

The Library of Congress'

EARLY STATE RECORDS PROJECT

converted from the original microfilm held by the
Vincent C. Immel Law Library, Saint Louis University

through the generous support of a grant from the

Council on Library and Information Resources

COUNCIL JOURNAL

OF THE

FOURTH SESSION

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF MONTANA,

BEGUN AND HELD AT VIRGINIA CITY, THE CAPITAL OF SAID
TERRITORY, ON MONDAY, NOVEMBER 4, A D 1867,
AND CONCLUDED DECEMBER 13, A. D 1867

PUBLISHED BY AUTHORITY

HELENA, MONTANA TERRITORY
GEO. M. PINNEY, PUBLIC PRINTER.
1869.

FEDERAL OFFICERS.

Governor,

GREEN CLAY SMITH, . . . VIRGINIA CITY

Secretary,

JAMES TUFTS, . . . VIRGINIA CITY

Judiciary,

1st District—HEZEKIAH L HOSMER, *Chief Justice*, VIRGINIA CITY

2d District—LORENZO P WILLISTON, *Associate Justice*, DEER LODGE

3d District—LYMAN E MUNSON, *Associate Justice*, HELENA

U. S. District Attorney,

J S SLATER, . . . VIRGINIA CITY

U. S. Marshal,

NEIL HOWIE, . . . HELENA

Collector of Customs,

JOHN X BEIDLER, . . . HELENA

TERRITORIAL OFFICERS.

Auditor,

WILLIAM H RODGERS, . . . VIRGINIA CITY.

Treasurer,

W G BARKLEY, . . . VIRGINIA CITY.

Sup't Public Instruction,

T F CAMPBELL, . . . HELENA.

Prison Commissioners,

FRANK WELLS, . . . RADERSBURG

THOMAS L IRWINE, . . . DEER LODGE.

PHILIP E EVANS, . . . SHERIDAN.

Prison Warden,

THOMAS B. WADE, . . . VIRGINIA CITY

MEMBERS OF THE COUNCIL.

CHAS S BAGG, *President.*
JOHN W CORUM
W E. CULLEN.
ALEXANDER DAVIS

SAMPLE ORR
JASPER RAND
THOMAS WATSON.

THOMAS B WADE, *Secretary* D B JENKINS, *Enrolling Clerk.*
C. C MENAUGH, *Assistant Secretary* STEPHEN R. ELWELL, *Serg't-at-Arms*
H. H. SHOWERS, *Engrossing Clerk.* JOHN THOMPSON, *Doorkeeper.*
Rt REV BISHOP D S TUTTLE, *Chaplain.*

MEMBERS OF THE HOUSE OF REPRESENTATIVES.

W. STEWART, *Speaker.*
J M. ANDERSON.
N C BOSWELL.
H. R. COMLY
W. H. EDWARDS
JAMES GALLAHER
H. A. KENNERLY

F. E W PATTON.
J W. RHODES
JNO. A SIMMS
W TENNANT.
J. R. WESTON.
SAM. WORD.

A. H BARRETT, *Chief Clerk.*
F. A. SHIELDS, *Assistant Clerk.*
J. G. McLAIN, *Engrossing Clerk*

WILLIAM BUTTS, *Enrolling Clerk.*
O P THOMAS, *Serg't-at-Arms*
H J. HILL, *Doorkeeper*

COUNCIL JOURNAL.

FOURTH SESSION.

FIRST DAY.

NOVEMBER 4, 1867.

The members of the Council duly elected for the Territory of Montana, in pursuance of an Act of Congress, approved March 2nd, 1867, and in obedience to the proclamation of the Governor calling said election, and as provided for in the laws of Montana, approved December 1st, 1864, assembled in the Council Chamber, Virginia City, Montana Territory, at precisely 12 o'clock, M., on the fourth day of November, A. D. 1867, and were called to order by William Y. Lovell.

The following named gentlemen appeared and answered to their names :

1. CHAS. S. BAGG, Phillipsburgh, Deer Lodge county.
2. J. W. CORUM, Helena, Edgerton county.
3. W. E. CULLEN, " "
4. ALEXANDER DAVIS, Virginia City, Madison county.
5. SAMPLE ORR, Diamond City, Gallatin county.
6. JASPER RAND, Missoula Mills, Missoula county.
7. THOMAS WATSON, Bannack City, Beaver Head county.

William Y. Lovell, probate judge of Madison county, then administered the following oath to the members :

"You and each of you do solemnly swear that you will support the Constitution of the United States and the laws thereof, and the Organic Act of the Territory of Montana, and faithfully discharge your duties as a member of the Legislative Council of the Territory of Montana. So help you God."

CHAS. S. BAGG.

JASPER RAND.

THOMAS WATSON.

SAMPLE ORR.

W. E. CULLEN.

JOHN W. CORUM.

ALEXANDER DAVIS.

On motion of Mr. Corum, the Council proceeded to a temporary organization, and thereupon placed in nomination Alexander Davis for President.

On motion of Mr. Orr, of Gallatin, Mr. Davis was declared temporary chairman by acclamation.

On motion of Mr. Corum, of Edgerton, C. C. Menaugh was appointed Chief Clerk *pro tem*.

On motion of Mr. Cullen, of Edgerton, the Council proceeded to form a permanent organization.

Nominations for President being announced as in order, Mr. Cullen put in nomination Mr. Bagg, of Deer Lodge county.

Mr. Orr nominated Mr. Watson, of Beaver Head county.

On motion of Mr. Cullen, of Edgerton, the Council proceeded to vote *viva voce* for President.

Those who voted for Mr. Bagg, were Messrs. Corum, Cullen, and Rand—3.

Those voting for Mr. Watson, were Messrs. Orr and Davis—2.

Mr. Watson voted for Mr. Corum.

Mr. Bagg voted blank.

There being no election, the President ordered a second ballot.

Those voting for Mr. Bagg, were Messrs. Corum, Cullen, and Rand—3.

Those who voted for Mr. Watson, were Messrs. Davis and Orr—2.

Mr. Bagg voted for Mr. Cullen.

Mr. Watson voted for Mr. Rand.

There still being no election, the President ordered a third ballot.

Those who voted for Mr. Bagg, were Messrs. Corum, Cullen, and Rand—3.

Those who voted for Mr. Watson, were Messrs. Orr and Davis—2.

Messrs. Bagg and Watson voted for Mr. Cullen.

There being no election, the President ordered a fourth ballot, when,

On motion of Mr. Bagg, the Council took a recess until 3 P. M.

AFTERNOON SESSION.

The Council was called to order at 3 P. M. by the President.

Roll called—all present.

On motion of Mr. Bagg, the Council proceeded to the fourth ballot for President.

Those voting for Mr. Bagg, were Messrs. Corum, Cullen, and Rand—3.

Those who voted for Mr. Watson, were Messrs. Orr and Davis—2.

Mr. Watson voted for Mr. Corum.

Mr. Bagg voted for Mr. Rand.

There being no election, the Council proceeded to the fifth ballot.

Those who voted for Mr. Bagg, were Messrs. Corum, Cullen, and Rand—3.

Those who voted for Mr. Watson, were Messrs. Orr and Davis—2.

Messrs. Bagg and Watson voted for Mr. Corum.

There being no election, the Council proceeded to the sixth ballot.

Those who voted for Mr. Bagg, were Messrs. Corum, Cullen, and Rand—3.

Those who voted for Mr. Watson, were Messrs. Orr and Davis—2.

Mr. Bagg voted for Mr. Rand.

Mr. Watson voted for Mr. Corum.

Mr. Rand offered the following resolution :

Resolved, By the Council of the Legislative Assembly of the Territory of Montana, That the person receiving the highest number of votes shall be declared elected to the various offices of this Council, from President down to Fireman.

The yeas and nays being demanded—

Those voting for the resolution, were Messrs. Bagg, Corum, Cullen, and Rand—4.

Those who voted against the resolution, were Messrs. Davis, Orr, and Watson—3.

So the resolution passed.

The Council then proceeded to the seventh ballot.

Those voting for Mr. Bagg, were Messrs. Corum, Cullen, and Rand—3.

Those voting for Mr. Watson, were Messrs. Orr and Davis—2.

Mr. Bagg voted for Mr. Cullen.

Mr. Watson voted for Mr. Corum.

Mr. Bagg having received the highest number of votes cast, was declared elected as President of the Council.

For the office of Chief Clerk, Mr. Corum nominated Thomas B. Wade, of Edgerton county.

Those who voted for Mr. Wade, were Messrs. Corum, Cullen, Davis, Rand, Orr, Watson, and Mr. President—7.

The President then announced that Mr. Wade, having received a majority of all the votes cast, was duly elected as Chief Clerk of the Council.

For the office of Assistant Clerk, Mr. Davis nominated C. C. Menaugh, of Madison county.

Those voting for Mr. Menaugh were Messrs. Corum, Cullen, Davis, Orr, Rand, Watson, and Mr. President—7.

The President then announced that Mr. Menaugh, having received a majority of all the votes cast, was duly elected Assistant Clerk.

On motion of Mr. Rand, Stephen R. Elwell was elected Sergeant-at-Arms.

On motion of Mr. Watson, John Thompson was elected Door-keeper.

On motion of Mr. Watson, H. H. Showers was elected Engrossing Clerk.

On motion of Mr. Corum, D. B. Jenkins was elected Enrolling Clerk of the Council.

On motion of Mr. Cullen, S. Chamberlain was elected Fireman of the Council, by acclamation.

On motion of Mr. Orr, Master Perry Johnson was elected Page of Council, by acclamation.

On motion of Mr. Davis, a Committee of three was appointed to notify His Excellency Governor Green Clay Smith, and the House of Representatives, that the Council was organized, and ready for business.

The following Committee was accordingly appointed: Messrs. Davis, Rand, and Corum.

On motion of Mr. Corum, a Committee of three was appointed to report rules for the government of the Council, consisting of Messrs. Corum, Orr, and Watson.

Mr. Davis, chairman of the Committee to wait upon His Excellency the Governor, and the House, reported as follows :

MR. PRESIDENT—Your Committee, appointed to inform His Excellency the Governor, and the House, that the Council is organized and ready for business, have discharged that duty, and would beg leave to report that the House is not yet permanently organized.

On motion of Mr. Watson, the report was received, and the Committee discharged.

On motion of Mr. Rand, William Y. Lovell was authorized to administer the oath of office to the President and subordinate officers of the Council.

Judge Lovell then administered the following oath to Mr. President :

"You do solemnly swear that you will support the Constitution of the United States and the laws thereof, and the Organic Act of the Territory of Montana, and that you will faithfully discharge your duties as President of the Council of the Fourth Legislative Assembly. So help you God."

Mr. Wade, Chief Clerk, Mr. Menaugh, Assistant Clerk, and Mr. Showers, Engrossing Clerk, appeared, and took the same obligation.

On motion of Mr. Rand, the Council adjourned until to-morrow morning, at 10 o'clock.

SECOND DAY.

NOVEMBER 5, 1867.

The Council met pursuant to adjournment.

Roll called—all present.

Journal of yesterday read and approved, with corrections.

A communication from the House, by Mr. Word, announced that the House was organized and ready for business.

Mr. Rand offered the following resolution :

Resolved, That the Council respectfully invite the House of the Legislative Assembly of Montana to meet them at the Council Chamber, at 3 o'clock P. M. of to-day, to hear any communication His Excellency may desire to make to the Joint Assembly.

On motion of Mr. Orr, the resolution was adopted, and the Chief Clerk ordered to inform the House.

A message from the House, through the Chief Clerk, Mr. Barrett, announcing to the Council that the invitation to meet the Council in Joint Convention, at 3 P. M., was accepted.

William Y. Lovell then administered the oath of office to John Thompson, Doorkeeper, and S. Chamberlain, Fireman.

On motion of Mr. Corum, the Council took a recess for ten minutes.

The Council resumed its session.

A communication from the Sergeant-at-Arms, announcing Mr. Speaker, the Chief Clerk, and the members of the House.

The Council and House of Representatives then entered into Joint Convention.

Roll called. Quorum present.

Mr. Davis, of Madison, offered the following resolution :

Resolved, By the two Houses of the Legislative Assembly in Joint Convention assembled, That a Committee of two members of the Council and three members of the House of Representatives be appointed to wait upon the Governor, and inform him that the two Houses are in Joint Convention, and are ready to receive any communication he may desire to make.

On motion of Mr. Watson, the resolution was adopted, and the following committee appointed :

Mr. Davis, chairman ; Mr. Watson, Mr. Word, Mr. Boswell, and Mr. Tennant.

A message from the Sergeant-at-Arms announcing the Governor, who was introduced to the Convention by the President of the Council.

His Excellency then delivered his message.

On motion of Mr. Rand, the Joint Convention was dissolved.

The Council again resumed its session.

Mr. Cullen offered the following resolution :

Resolved, That fifteen hundred copies of the Governor's Message, together with all reports therein referred to, be printed for the use of this Council.

On motion of Mr. Rand, the resolution was adopted.

Mr. Coram, chairman of the Committee to draft resolutions for the government of the Council, made the following report :

MR. PRESIDENT—Your Committee, to whom was referred the matter of reporting rules for the government of the Council, beg leave to make the following report:

That they have had the subject under consideration, and recommend that the rules adopted by the Council of this Territory at its second session be adopted by this Council, with the following amendments:

1st. In rule first, after the word "Council," in the fourth line the following be added:

"In case that the President is absent, or fails from any cause to take the chair, the Council shall appoint a President *pro tem*."

2nd. That rule 11th be so amended as to read as follows:

"When a question is under debate no motion shall be received, except—1st. To adjourn. 2nd. To lay on the table. 3rd. For the previous question. 4th. To postpone to a day certain. 5th. To commit to a standing committee. 6th. To commit to a select committee. 7th. To amend. 8th. To postpone indefinitely. And these several motions shall have precedence in the order in which they stand arranged."

3rd. In rule 12, line 7th, strike out the word "same," strike out "or," and insert "one."

4th. That rule 14th be struck out, and the following be substituted in lieu thereof:

"When, on taking the previous question, the Council shall decide that the main question shall remain as the question before the House, in the same stage of proceedings as before the previous question was moved."

5th. That rule 20th be stricken out, and the following inserted:

"A member called to order shall immediately sit down, unless he desires to explain, after which he shall take his seat until the point of order be decided by the chair, which shall be final, unless the member desires to appeal, in which case he shall have the right to arise and ask the chair to put his motion to the House, whose duty it shall be to immediately comply."

6th. In rule 43rd, second line, after the word "Executive," insert "Secretary of the Territory."

7th. In rule 44th, seventh line, after the letter "A," and before the word "of," strike out "majority," and insert "two-thirds."

All of which is respectfully submitted.

JES. W. COHEN.

SAMUEL ORR.

THOMAS WATSON.

On motion of Mr. Cullen, the report was received and the Committee discharged.

On motion of Mr. Rand, fifty copies of the report were ordered to be printed.

Mr. Watson offered the following resolution :

Resolved, That a Committee of two from the Council be appointed, to act with a like Committee from the House, to request the printing to be bestowed upon John P. Bruce, and the Clerk ordered to so inform the House.

On motion of Mr. Rand, the resolution was adopted.

On motion of Mr. Cullen, the Council adjourned until to-morrow morning, at 10 o'clock.

THIRD DAY.

NOVEMBER 6, 1867.

Council met pursuant to adjournment.

Roll called—all present.

Journal of yesterday read and approved.

Judge W. Y. Lovell then administered the oath of office to D. B. Jenkins, the Enrolling Clerk of the Council.

Mr. Watson gave notice that on to-morrow he would introduce "A Bill amendatory to an act entitled an act to regulate the proceedings in civil cases in the courts of justice in the Territory of Montana, passed January 23, 1865."

Mr. Rand gave notice, that on to-morrow, or some subsequent day, he would introduce "A Bill requiring criminals to perform labor."

Mr. Rand offered the following resolution, which was adopted:

Resolved, By the Council of the Legislative Assembly of Montana, That the Secretary of the Territory be and is hereby requested to cover the floor of the Council Chamber (outside the bar) with sawdust.

The following resolution was offered by Mr. Cullen, and adopted:

Resolved, That the freedom of this House be extended to all the Territorial officers, officers of the city of Virginia, editors and reporters of the newspapers of this Territory, and members of the bar of the Territory, and ex-members of the former Legislatures of this Territory.

Mr. Corum offered the following resolution :

Resolved, By the Council of the Legislative Assembly of the Territory of Montana, the House concurring, That inasmuch as great burdens have been uselessly imposed upon us by the Congress directing the re-enactment of the laws of the last two sessions of the Legislature of Montana, to make those laws valid and binding, thereby multiplying threefold the labor of the Engrossing and Enrolling Clerks of the two Houses; therefore we authorize the election of an assistant clerk for each House, to be paid out of the Territorial treasury by appropriation hereafter to be made by the Legislative Assembly.

Mr. Cullen in the chair.

Mr. President spoke in favor of resolution.

Mr. Orr spoke in opposition to resolution.

Mr. President called for ayes and noes.

Those voting yea were: Messrs. Corum, Cullen, Rand, and Mr. President—4.

Those voting nay were: Messrs. Davis, Orr, Watson—3.

Adjourned, on motion of Mr. Orr, until 2 o'clock, P. M.

AFTERNOON SESSION.

Roll called—all present.

Mr. Rand offered the following resolution :

Resolved, By the Council of the Legislative Assembly of Montana, That the rules adopted by the Council of this Territory at its second session, and as now reported by the Committee on Rules, be adopted as the rules of this Council, except the proposed amendment to rule forty-four.

On motion, laid on table for the present.

Mr. Rand gave notice that, on to-morrow or some subsequent day, he would introduce "A Bill to locate the county seat of Missoula county."

Mr. Corum offered the following resolution, which was adopted:

Resolved, That in the records to be made by the Chief Clerk of the Council, he is hereby directed to call this the fourth session.

On motion of Mr. Cullen, the Council adjourned until to-morrow, 10 o'clock, A. M.

FOURTH DAY.

NOVEMBER 7, 1867.

The Council met at 10 A. M.

Called to order by President Bagg.

Quorum present.

Roll called—all present.

Journal of yesterday read and approved.

On motion of Mr. Rand, the following resolution was taken from the table:

Resolved, By the Council of the Legislative Assembly of the Territory of Montana, That the rules adopted by the Council of this Territory at its second session, and as now reported by the Committee on Rules, be adopted as the rules of this Council, except the proposed amendment to rule forty-four.

Mr. Watson moved to strike out the words, "except the proposed amendment to rule forty-four."

Mr. Davis demanded the yeas and nays.

Those voting for the amendment were: Messrs. Orr, Watson, and Davis—3.

Those voting against the amendment were: Messrs. Corum, Cullen, Rand, and Mr. President—4.

So the amendment was lost.

The question then being upon the passage of the original resolution, and the yeas and nays being demanded, those voting for the resolution were: Messrs. Corum, Cullen, Rand, and Mr. President—4.

Those voting against the resolution were: Messrs. Orr, Davis, and Watson—3.

So the resolution was declared passed.

The President announced the following Standing Committees:

Ways and Means—Messrs. Watson, Cullen, and Orr.
Judiciary—Messrs. Rand, Corum, and Davis.
Internal Improvements—Messrs. Orr, Rand, and Cullen.
Public Lands—Messrs. Cullen, Corum, and Watson.
Federal Relations—Messrs. Corum, Davis, and Cullen.
Education—Messrs. Davis, Corum, and Orr.
Towns and Counties—Messrs. Corum, Rand, and Cullen.
Military Affairs—Messrs. Davis, Orr, and Watson.
Incorporations—Messrs. Cullen, Rand, and Davis.
Agriculture and Manufactures—Messrs. Orr, Watson, and Corum.
Elections—Messrs. Corum, Cullen, and Orr.
Indian Affairs—Messrs. Rand, Corum, and Davis.
Mines and Minerals—Messrs. Watson, Cullen, and Rand.
Engrossment—Messrs. Corum, Davis, and Cullen.
Enrollment—Messrs. Cullen, Rand, and Orr.
Printing—Messrs. Orr, Watson, and Davis.

Mr. Rand offered the following resolution:

Resolved, By the Council of the Legislative Assembly of Montana, That fifty copies of the list of Standing Committees be printed for the use of the Council.

The question being upon the adoption of the resolution, it was declared to be lost.

Mr. Cullen gave notice that he would, on to-morrow or some subsequent day, introduce a bill concerning corporations, entitled "An Act to provide for the formation of corporations for certain purposes."

Mr. Rand gave notice that he would, on to-morrow or some subsequent day, introduce a bill entitled—

"An Act to define the duties of county treasurers of the several counties of Montana."

Also, "An Act to provide for the funding of the debt of the Territory."

Also, "An Act to amend an act entitled an act relating to the discovery of gold and silver quartz lodes, and their manner of location."

Also, "An Act fixing the time of the meeting of the Legislative Assembly of Montana Territory."

Also, "An Act concerning highways, and to prevent the obstruction thereof."

Mr. Orr gave notice that he would, on to-morrow or some subsequent day, introduce a bill entitled "An Act to organize a new county on the north end of Gallatin county, and to legalize the acts of the former officers of Meagher county."

Mr. Corum gave notice that he would, on to-morrow or some subsequent day, introduce "A Bill amendatory of an act entitled an act in relation to elections, passed January 17, 1865."

On motion of Mr. Watson, the following resolution was adopted :

Resolved, That a committee of two be appointed by the chair, responding to the request of the House, to act in conjunction with the House committee, to take into consideration the propriety of adopting the California Practice Act.

The following committee was accordingly appointed : Messrs. Rand and Davis.

Mr. Rand introduced a bill to locate the county seat of Missoula county, which was read a first time, and ordered to a second reading by its title, and referred to the Committee on Towns and Counties.

Mr. Rand introduced a bill entitled "An Act requiring criminals to perform labor," which was read a first time, ordered to a second reading by its title, and referred to the Committee on Judiciary.

Consideration of messages from the House being next in order, the following communication was taken up :

WHEREAS, It is the general opinion of the members of this House, that the laws of the Second and Third Sessions of the Legislature of Montana were just, equitable and beneficial to the Territory, and the action of Congress in suspending or annulling said laws was injurious to the people of this community, and in order that the wheels of the government may continue to revolve smoothly, it is necessary that the Legislature should re-enact the aforesaid laws; therefore,

Resolved, That a committee of three from the House be appointed, to confer with a like committee from the Council as to the order in which the said laws shall be taken up for action by this Legislature.

On motion of Mr. Rand, the following resolution was adopted:

Resolved, That a committee of three be appointed by the chair to confer with a like committee of the House, requested by it, agreeing upon the order by which the laws of the last two sessions of the Legislative Assembly may be enacted under the direction of Congress.

The following committee was accordingly appointed: Messrs Rand, Orr, and Cullen.

On motion of Mr. Rand, the Council took a recess until 2 P. M.

AFTERNOON SESSION.

Council met at 2 P. M.

Quorum present. President Bagge presiding.

Mr. Rand, chairman of the Committee on the Judiciary, to which was referred C. B. No. 2, being a bill for an act entitled "An Act requiring criminals to perform labor," reported the same back, and recommended its passage.

The report was received and adopted.

Mr. Corum, chairman of the Committee on Towns and Counties, to which was referred C. B. No. 1, being an act entitled "An Act to locate the county seat of Missoula county," reported the same back, with a recommendation that the bill do pass.

The report was received and adopted.

Mr. Watson gave notice that he would, on to-morrow or some future day, introduce a bill entitled "An Act to regulate descents and distributions."

Mr. Orr gave notice that he would, on to-morrow or some subsequent day, introduce a bill entitled "An Act defining what shall constitute a lawful fence."

On motion of Mr. Davis, the following resolution was adopted :

Resolved, That it is the duty of the Chief Clerk of the Council to communicate to the House of Representatives, each morning during the session, a statement of all bills presented the day previous, and the notices of the introduction of bills at a future day, and the House of Representatives be and are hereby respectfully requested to send to the Council every day a similar statement.

Mr. Watson, chairman of the Special Committee to whom was referred the resolution relating to printing, made the following report :

MR. PRESIDENT—Your Special Committee on Printing have discharged their duty concerning the resolution offered yesterday, and submit the answer of the Secretary, as their report.

THOMAS WATSON.

SAMPLE ORR.

SECRETARY'S OFFICE,
VIRGINIA CITY, M. T., Nov. 6, 1857. }

To the Hon. Messrs. Watson, Orr, Anderson and Word, Joint
Committee of the Legislature of Montana :

GENTLEMEN—I have the honor to acknowledge the receipt of
your communication, enclosing resolutions of both Houses,
requesting the bestowal of the public printing upon John
P. Bruce.

In reply to your courteous request, I have to say that under
instructions from the Treasury Department I deemed it my duty
to make preparations for the public printing prior to the convening
of your honorable body. To that end I have already directed
D. W. Tilton & Co. to be in readiness to do the work.

I have the honor, and am very respectfully, your obedient
servant,

JAMES TUFTS,
Secretary of Montana.

On motion of Mr. Rand, the report was laid upon the table
for the present.

Mr. Rand introduced a bill entitled "An Act to provide for
the funding of the debt of Montana Territory," which was read
a first time and ordered to a second reading, by its title, and
referred to the Committee on Ways and Means.

Mr. Watson introduced a bill entitled "An Act to amend an
act entitled an act to regulate proceedings in civil cases in the courts
of justice of the Territory of Montana, passed April 12th, 1866,"
which was read a first and second time by its title, and referred
to the Committee on the Judiciary.

Mr. Rand introduced a bill entitled "An Act to amend an act
entitled an act relating to the discovery of gold and silver
quartz lodes or ledges, and the manner of location," which was
read a first and second time, and referred to the Committee on
Mines and Minerals.

On motion of Mr. Davis, the following resolution was adopted :

Resolved, That the Council Chamber is hereby tendered to His Excellency Governor Smith for the purpose of holding receptions every Friday night during the session.

On motion of Mr. Rand, the Council adjourned until to-morrow morning at 10 o'clock.

FIFTH DAY.

NOVEMBER 8, 1867.

The Council met at 10 A. M.

Called to order by President Bagg.

Roll called—Mr. Davis absent.

Mr. Orr asked leave of absence for Mr. Davis, which was granted.

Journal of yesterday read and approved.

Mr. Rand gave notice that he would, on to-morrow or some future day, introduce "A Bill to define the boundaries of Missoula county."

Mr. Orr gave notice that he would, on to-morrow or some future day, introduce "A Bill to prohibit the sale of intoxicating liquors to Indians."

Mr. Cullen gave notice that he would, on to-morrow or some subsequent day, introduce "An Act to invest religious, charitable and educational societies with certain powers of bodies corporate."

Also, "An Act to establish the boundary line of Edgerton county, Montana Territory."

Mr. Rand introduced C. B. No. 6, entitled "An Act defining the duties of county treasurers of the several counties of Montana," which was read a first and second time, and referred to the Committee on the Judiciary.

Mr. Watson introduced C. B. No. 8, entitled "An Act regulating descents and distributions," which was read a first and second time, and referred to the Committee on the Judiciary.

Mr. Rand introduced C. B. No. 7, being "An Act fixing the time of the meeting of the Legislative Assembly of Montana Territory," which was read a first and second time, and referred to the Committee on the Judiciary.

Mr. Rand introduced C. B. No. 9, being "An Act concerning highways, and to prevent the obstruction thereof," which was read a first and second time, and referred to the Committee on Towns and Counties.

On motion of Mr. Rand, the following resolution was adopted :

Resolved, By the Council of the Legislative Assembly of Montana, That the Secretary of the Territory be requested to furnish to each member of this Council one copy of the *Tri-Weekly Post*, four copies of the *Weekly Post*, and six copies of the *Montana Democrat*, and six copies of the *Rocky Mountain Gazette*.

Mr. Cullen offered the following resolution :

Resolved, By the Legislative Council of the Territory of Montana, That this House recommend to the Hon. the Secretary of the Territory, that the printing of each day's proceedings of this House be dispensed with.

On motion of Mr. Rand, the resolution was laid upon the table for further consideration.

Mr. Rand offered the following resolution :

Resolved, That the Council respectfully request the Hon. Secretary of the Territory, James Tufts, to procure the printing of twenty-five copies of the daily proceedings of this House, extra, for each member.

The question being upon the passage of the resolution, those voting in the affirmative were Mr. Rand and Mr. President—2.

Those voting against the resolution were Messrs. Corum, Cullen, Orr, and Watson—4.

Resolution lost.

A communication from the House, announcing the passage of Council Concurrent Resolution No. 1, with the following amendments :

Substitute for the word "for," after the word "Clerk," and before the word "each," the word "by."

The amendments of the House to the resolution were concurred in by the Council.

C. B. No. 1, being "An Act to locate the county seat of Missoula county," was taken up and read a third time, and passed.

Yeas, 6; *Nays*, none.

Those voting in the affirmative were: Messrs. Corum, Cullen, Orr, Rand, Watson, and Mr. President.

Mr. Davis absent.

Ordered, that the title be as aforesaid, and that the Clerk inform the House of Representatives thereof, and ask their concurrence therein.

C. B. No. 2, being "An Act requiring criminals to perform labor," was taken up, read a third time, and passed.

Yeas, 6; *Nays*, none.

Those voting in the affirmative were: Messrs. Corum, Cullen, Orr, Watson, Rand, and Mr. President.

Mr. Davis absent.

Ordered, that the title be as aforesaid, and that the Clerk inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Orr, the Council took a recess until 2 P. M.

AFTERNOON SESSION.

President called the Council to order at 2 P. M.

Roll called—Mr. Davis absent.

On motion of Mr. Watson, Mr. Davis was excused from attendance this afternoon.

A communication from John P. Bruce:

VIRGINIA CITY, M. T., Nov. 8, 1867.

Hon. Charles S. Bagg, President of Council:

SIR: The Council having adopted unanimously a resolution requesting the Secretary of the Territory to confer on me the public printing, I feel it due from me to return my sincere thanks, through you, to the honorable body over which you preside, for this mark of favor and kindness, and to say that I shall always remember this public manifestation of your preference of myself with sentiments of the liveliest gratitude.

Respectfully,

JNO. P. BRUCE.

On motion of Mr. Corum, the communication was ordered to be spread upon the journal.

Mr. Corum gave notice that he would, on to-morrow or some subsequent day, introduce "A Bill to amend an act entitled an act concerning lost goods and estrays, approved January 11th, 1865."

Mr. Orr introduced C. B. No. 10, being "An Act declaring what shall constitute a lawful fence," which was read a first and second time by its title, the rules suspended, and the bill passed to a third reading.

Mr. Watson was granted leave to introduce C. B. No. 11, entitled "An Act to provide for a census to be taken in 1868," without

previous notice, which was read a first and second time, the rules suspended, and the bill passed to a third reading.

C. B. No. 12, being "An Act to define the boundary lines of Missoula county," was introduced by Mr. Rand, and read a first and second time, and referred to the Committee on Towns and Counties.

C. B. No. 10, being "An Act declaring what shall constitute a lawful fence," was taken up, read a third time, and placed upon its final passage.

Yeas, 6; Nays, none.

Those voting in the affirmative were: Messrs. Corum, Cullen, Orr, Rand, Watson, and Mr. President.

Mr. Davis absent.

Ordered, that the title remain as aforesaid, and that the Clerk inform the House of Representatives thereof, and ask their concurrence therein.

C. B. No. 11, being "An Act to provide for a census to be taken in 1868," was taken up, read a third time, and placed upon its final passage.

Yeas, 6; Nays, none.

Those voting in the affirmative were: Messrs. Corum, Cullen, Orr, Rand, Watson, and Mr. President.

Mr. Davis absent.

Ordered, that the title be as aforesaid, and that the Clerk inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Rand, the Council proceeded to the election of an Assistant Clerk of the Council.

Mr. Rand placed in nomination C. B. Robinson, of Deer Lodge county.

The Council proceeded to vote *viva voce*.

Those voting for Mr. Robinson were: Messrs. Corum, Cullen, Rand, Watson, and Mr. President—5.

Mr. Orr voted for Mr. Freeman—1.

The President declared Mr. Robinson duly elected Assistant Clerk of the Council.

On motion of Mr. Rand, the Council adjourned until to-morrow morning, at 10 o'clock.

SIXTH DAY.

NOVEMBER 9, 1867.

The Council met at ten A. M. President Bagg in the chair.

Roll called—The following members answered to their names :
Messrs. Corum, Cullen, Orr, Rand, Watson, and Mr. President.

Absent—Mr. Davis.

Journal of yesterday read, corrected and approved.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing that Council Bill No. 1, entitled "An Act to locate the county seat of Missoula county," had passed the House.

Mr. Orr presented the petition of sundry citizens of Meagher county, praying for the passage of a law to legalize the so-called county of Meagher, and the official acts of the officers and their election, and that the said officers hold their respective offices until the next general election.

The petition was read, and referred to the Committee of the Whole.

Wm. Y. Lovell then administered the oath of office to Mr. Robinson, Assistant Clerk of the Council.

Mr. Cullen, chairman of the Committee on Enrollment, made the following report :

MR. PRESIDENT—Your Committee on Enrollment beg leave to report that Council Concurrent Resolution No. 1 has been correctly enrolled.

Mr. Corum, chairman of the committee on Towns and Counties, to whom was referred C. B. No. 12, entitled "An Act defining the boundary lines of Missoula county," made the following report:

MR. PRESIDENT—Your Committee on Towns and Counties, to whom was referred C. B. No. 12, beg leave to report that they have had the same under consideration and recommend its passage with the following amendments:

In section 1st, strike out the third line; strike out the word "to" before the word "be" in the fourth line, and substitute in lieu thereof the word "shall."

The report and the amendments were adopted, and the bill ordered engrossed for a third reading.

Mr. Rand, chairman of the Special Committee appointed by the Council to confer with a like committee from the House, to take into consideration the order in which the laws passed at the last two sessions of the Montana Legislature should be acted upon, reported that they have had the subject under consideration, and are of the opinion that it is unnecessary to take action thereon.

The report was received, and the committee discharged.

Mr. Rand, chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT—Your Committee, appointed to confer with the Assembly upon the subject of a civil practice act, beg leave to report that they have had the same under consideration, and have agreed that the Judiciary Committee of the House of Representatives will report "An Act entitled an act to amend the civil practice of Montana."

The report was received.

Mr. Rand gave notice that he would, on some future day, introduce a bill entitled "An Act to authorize the county commissioners of the several counties of this Territory to fund the debt of their respective counties."

Mr. Cullen introduced C. B. No. 13, entitled "An Act to establish the boundaries of Edgerton county."

Read a first and second time, and referred to the Committee on Towns and Counties.

Also, C. B. No. 14, entitled "An Act to invest certain religious, charitable and benevolent institutions with certain powers of bodies corporate."

Read first and second time, and twenty-five copies ordered printed.

Mr. Orr introduced C. B. No. 15, entitled "An Act to prohibit the sale of intoxicating liquors to Indians."

Read first and second time, and referred to Committee on Indian Affairs.

On motion of Mr. Rand, the Council took a recess until 2 P. M.

AFTERNOON SESSION.

Council resumed its session at 2 P. M. The President in the chair.

Roll called—all present.

Mr. Rand, chairman of the Committee on Judiciary, to whom was referred C. B. No. 7, entitled "An Act fixing the time of the meeting of the Legislative Assembly of Montana Territory," reported the same back, with the recommendation that it pass.

On motion of Mr. Orr, the rules were suspended, the bill considered engrossed, and passed to third reading.

Mr. Corum, chairman of the Committee on Towns and Counties, to whom was referred C. B. No. 13, entitled "An Act to establish the boundary lines of Edgerton county, Montana Territory," reported the same back, with the following amendment:

That to the title of said bill, after the word "county," the following words be added, "and to locate the county seat thereof"

The report was received and adopted.

On motion of Mr. Rand, the rules were suspended, the bill ordered engrossed, and passed to third reading.

Mr. Corum, chairman of Committee on Towns and Counties, to whom was referred C. B. No. 9, entitled "An Act concerning highways, and to prevent the obstruction thereof," reported the same back, with the following amendment:

At the end of section 1, add "excepting such roads upon which franchises have been heretofore granted."

The report was adopted, rules suspended, ordered engrossed, and passed to third reading.

Mr. Rand gave notice that he would, on some future day, introduce a bill, entitled "An Act to dissolve the bonds of matrimony existing between Mary E. Lannier and Amos Lannier."

C. B. No. 7, entitled "An Act fixing the time for the convening of the Legislative Assembly of Montana Territory," was taken up and placed upon its final passage.

Voting in the affirmative: Messrs. Corum, Cullen, Orr, Rand, Davis, Watson, and Mr. President—7.

The bill was declared passed, and the title agreed to.

On motion of Mr. Rand, a committee of two was appointed, to confer with a like committee from the House, to report joint rules for the government of the two Houses. The committee consisted of Messrs. Rand and Davis.

On leave, Mr. Watson introduced C. B. No. 16, entitled "An Act fixing the rate of interest."

Read first and second time, rules suspended, and bill ordered engrossed and placed upon its final passage.

On motion of Mr. Rand, the Council adjourned until Monday morning at 10 o'clock.

EIGHTH DAY.

NOVEMBER 11, 1867.

The Council met at 10 A. M. President Bagg in the chair.

Roll called—The following members answered to their names:
Messrs. Corum, Davis, Orr, Rand, Watson, and Mr. President.

Absent—Mr. Cullen.

Journal of Saturday read and approved.

A communication from the House, through their Chief Clerk, Mr. Barrett, announcing that C. B. No. 2, entitled "An Act requiring criminals to perform labor," had passed the House.

Also, that C. B. No. 7, entitled "An Act fixing the time of the meeting of the Legislative Assembly of the Territory of Montana," had passed the House.

Mr. Rand, chairman of the Committee on Judiciary, to whom was referred C. B. No. 6, entitled "An Act defining the duties of county treasurers," reported the same back, with the following amendments, and recommended its passage:

Section 7, section 35, and so much of section 36 of the Revenue Act, as authorizes county treasurers to issue balance certificates on territorial or county warrants, and all acts or parts of acts conflicting with the provisions of this act, are hereby repealed.

That section 7 of the bill be numbered section 8.

On motion of Mr. Rand, the amendments were adopted by the following vote:

Voting in the affirmative: Messrs. Rand, Corum, Cullen, and Mr. President—4.

Voting in the negative: Messrs. Orr, Davis, and Watson—3.

On motion of Mr. Cullen, the bill and amendments were committed to the Committee of the Whole.

Mr. Rand, chairman of the Committee on Indian Affairs, to whom was referred C. B. No. 15, entitled "An Act to prevent the sale of intoxicating liquors to Indians," reported the same back to the Council, with the recommendation that it pass.

On motion of Mr. Orr, the report was received.

On motion of Mr. Rand, the bill was ordered engrossed for a third reading.

Mr. Cullen, chairman of the Committee on Enrollment, reported C. B. No. 1 as correctly enrolled.

Mr. Corum, chairman of the Committee on Engrossment, reported Council Bills Nos. 9, 13 and 16, entitled respectively, "An Act concerning highways, and to prevent the obstruction thereof," "An Act to establish the boundary lines of Edgerton county, and "An Act to prescribe the rate of interest," as correctly engrossed.

Mr. Rand gave notice that he would, on to-morrow or some subsequent day, introduce a bill, entitled "An Act defining the duties of Territorial Auditor and Territorial Treasurer of Montana Territory."

Mr. Watson gave notice that he would, on to-morrow or some subsequent day, introduce a bill, entitled "An Act creating the office of master in chancery, and defining his powers and duties."

Mr. Orr introduced C. B. No. 17, entitled "An Act to divide the county of Gallatin."

Read first and second time, and referred to Committee of the Whole.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing that C. B. No. 11, entitled "An Act to provide for a census to be taken in the year 1868," had passed the House.

Also, that H. B. No. 1, entitled "An Act creating certain offices in the Territory of Montana, declaring to whom resignations shall be made, when the office shall be deemed vacant, and the manner of filling vacancies," had passed the House.

Mr. Cullen introduced C. B. No. 18, entitled "An Act to provide for the formation of corporations for certain purposes."

Read first and second time, and on motion of Mr. Rand, twenty-five copies ordered printed, and referred to Committee on Incorporations.

Mr. Rand introduced C. B. No. 19, entitled "An Act to authorize the county commissioners of the several counties of Montana Territory to fund the debt of their respective counties."

Read first and second time, and referred to the Committee on Towns and Counties.

Mr. Corum introduced C. B. No. 20, entitled "An Act amendatory of an act entitled an act regulating the holding of elections in Montana Territory."

Read first and second time, and referred to Committee on Elections.

H. B. No. 1 was taken up, read first and second time, and committed to the Committee of the Whole.

On motion of Mr. Cullen, the Council took a recess until 2 P. M.

AFTERNOON SESSION.

Council called to order at 2 P. M. President Bagg in the chair.

Roll called—all present.

C. B. No. 9, entitled "An Act concerning highways, and to prevent obstruction thereof," was taken up and placed upon its final passage.

Voting in affirmative: Messrs. Corum, Cullen, Davis, Orr, Rand, Watson, and Mr. President—7.

The bill was declared passed, and the title agreed to.

C. B. No. 16, entitled "An Act to prescribe the rate of interest," was taken up and placed upon its final passage.

Voting in affirmative: Messrs. Corum, Cullen, Davis, Orr, Rand, Watson, and Mr. President—7.

The bill was declared passed, and title agreed to.

A communication from the House, through the Chief Clerk, Mr. Barrett, announcing that the following notices had been given in the House:

By Mr. Comly, "An Act entitled an act for the location of the seat of government in and for the Territory of Montana."

By Mr. Boswell, "An Act defining the duties of assessors of the Territory of Montana."

By Mr. Rhodes, "An Act to amend an act entitled an act regulating the fees of jurors, officers and witnesses."

By Mr. Weston, "An Act to amend an act concerning license."

By Mr. Edwards, "An Act concerning malfeasance in office."

By Mr. Gallaher, "An Act for the relief of John Gay."

By Mr. Anderson, "An Act to amend an act concerning liens to mechanics and others."

And, that Mr. Kennerly introduced H. B. No. 5, "An Act to provide for storage and commission merchants to dispose of wares, merchandise and machinery for the storage of the same, or freight money advanced thereon."

C. B. No. 13, entitled "An Act to establish the boundary lines of Edgerton county," was taken up and placed upon its final passage.

Voting in the affirmative: Messrs. Corum, Cullen, Davis, Orr, Rand, Watson, and Mr. President—7.

The bill declared passed.

Title agreed to.

On motion of Mr. Orr, the Council went into Committee of the Whole, half past 2 P. M.

Council resumed its session at 4 P. M.—Mr. President in the chair.

On motion of Mr. Corum, the Council adjourned until to-morrow morning, at 10 o'clock.

NINTH DAY.

NOVEMBER 12, 1867.

The Council met at 10 A. M. President Bagg in the chair.

Roll called—The following members answered to their names :
Messrs. Corum, Cullen, Orr, Rand, Watson, and Mr. President.

Absent—Mr. Davis.

Journal of yesterday read and approved.

Mr. Rand, chairman of the Committee on Judiciary, to whom was referred C. B. No. 8, entitled "An Act regulating descents and distributions," reported the same back, and recommended its passage.

Report received, rules suspended, and placed on final passage.

Mr. Corum, chairman of the Committee on Elections, to whom was referred C. B. No. 20, entitled "An Act amendatory of an act entitled an act regulating the holding of elections in Montana Territory," reported the same back, recommending its passage.

The report was received, rules suspended, considered engrossed, and passed to third reading.

Mr. Rand gave notice that he would, on to-morrow or some subsequent day, introduce a bill, entitled, "An Act locating the penitentiary of Montana."

Mr. Cullen gave notice that he would, on to-morrow or some subsequent day, introduce a bill, entitled "An Act relative to attorneys and counselors-at-law."

Mr. Rand introduced C. B. No. 21, entitled "An Act defining the duties of Territorial Auditor and Territorial Treasurer of the Territory of Montana."

Read first and second time, and referred to the Committee on Judiciary.

Mr. Watson introduced C. B. No. 22, entitled "An Act creating the office of master in chancery and defining his duties."

Read first and second time, and on motion of Mr. Cullen, twenty-five copies ordered printed, and referred to the Committee on Judiciary.

Mr. Rand introduced C. B. No. 23, entitled "An Act to dissolve the bonds of matrimony between Mary E. Lannier and Amos Lannier."

Read first and second time, and referred to Committee on Judiciary.

Mr. Orr, chairman of the Committee of the Whole, made the following report:

MR. PRESIDENT—The Committee of the Whole, to whom was referred Council Bill No. 17, "An Act to divide the county of Gallatin," have had the same under consideration and instruct the chairman to report the same back to the Council, with the following amendments, and recommend that it pass :

Amend section third by inserting after the word "offices" and before the word "immediately," where they occur in the eighth line, the following words: "Except such officers as were elected by the qualified voters of said county in September, 1866, and are now officiating or ready to officiate in their respective offices."

Amend the fourth section by adding after the word "acts" at the end of the first line, the words "performed in accordance with law," and by striking from the twelfth line of said section the word "as," and by striking from said section all that follows the word "equity," where it occurs in said section.

SAMPLE ORR, *Chairman.*

On motion of Mr. Davis, the report was laid on the table.

On motion of Mr. Orr, the rules were suspended, the bill ordered engrossed and placed upon its final passage.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing that C. B. No. 16, entitled "An Act to prescribe the rate of interest," had passed the House.

Also, that H. B. No. 4, entitled "An Act supplementary to an act in relation to notaries public," had passed the House.

A communication from the Secretary of the Territory :

SECRETARY'S OFFICE,
VIRGINIA CITY, M. T., Nov. 11, 1867. }

To the Hon. President and Members of the Council:

I am in receipt of your resolution requesting me to furnish to each member of the Council one copy of the *Tri-Weekly Post*, four copies of the *Weekly Post*, six copies of the *Montana Democrat*, and six copies of the *Rocky Mountain Gazette*.

The general instructions of the Treasury Department fail to specify newspapers as an item of incidental expenses, and as no vouchers for legislative expenses in the Territory of Montana have yet been audited, I am without a precedent to guide me in answer to your resolve.

My personal recollections of the custom in other Territories persuade me that the number asked for, in view of the high price charged for newspapers in our Territory, would exceed an amount which the department would be willing to allow.

I have, therefore, determined to allow each member such papers as he may select, to the amount of twelve dollars for the session.

Assuring you of my earnest desire to serve you to the full extent my instructions will permit,

I have the honor, and am your obedient servant,

JAMES TUFTS,

Secretary of Montana.

On motion of Mr. Orr, the Council resolved itself into a Committee of the Whole, 11 A. M.

12 M. Committee arose, the Council resumed its session. Mr. President in the chair.

Mr. Orr, chairman of the Committee of the Whole, asked further time to report. Granted.

On motion of Mr. Rand, the Council took a recess until 2 P. M.

AFTERNOON SESSION.

The Council met at 2 P. M. President Bagg in the chair.

Roll called—The following members answered to their names: Messrs. Corum, Cullen, Davis, Orr, Rand, Watson, and Mr. President.

Mr. Orr, chairman of the Committee of the Whole, made the following report:

MR. PRESIDENT—The Committee of the Whole, to whom was referred Council Bill No. 6, "An Act defining the duties of county treasurers," having had the same under consideration, ask leave to report the same back to the Council, with the following amendment:

Strike out section 6.

SAMPLE ORR, *Chairman.*

On motion of Mr. Rand, the report was adopted, with the exception of that portion of the same proposing to strike out section six.

Mr. Rand introduced the following amendment to C. B. No. 6:

"Strike out in section 6 these words: 'Four per cent. for pay-

ing out all money except school and poor taxes. For registering every county warrant, twenty-five cents, to be paid by the party presenting the same.'"

The amendment was adopted.

Mr. Corum, chairman of the Committee on Engrossment, reported C. B. No. 12 as correctly engrossed.

Mr. Cullen, chairman of the Committee on Enrollment, reported C. B. No. 2 as correctly enrolled.

Mr. Orr, chairman of the Committee of the Whole, made the further following report:

MR. PRESIDENT—The Committee of the Whole, to whom was referred House Bill No. 1, having had the same under consideration, ask leave to report the same back to the Council, and recommend that it pass, with the following amendment, viz.:

Strike out all after the enacting clause and insert a substitute herewith transmitted.

SAMPLE ORR, *Chairman.*

The report and amendment were adopted.

On motion of Mr. Rand, the amendments were ordered engrossed, and the bill placed upon its final passage.

On motion of Mr. Rand, C. B. No. 6, entitled "An Act defining the duties of county treasurers of the several counties of Montana," was ordered engrossed and passed to third reading.

C. B. No. 12, entitled "An Act defining the boundary lines of Missoula county," was taken up and placed upon its final passage.

Voting in affirmative—Messrs. Corum, Cullen, Orr, Rand, Watson, and Mr. President—6.

Voting in negative—Mr. Davis.

The bill was declared passed, and the title agreed to.

C. B. No. 20, entitled "An Act amendatory of an act entitled an act regulating the holding of elections in Montana Territory,"

was taken up, read third time, and passed by the following vote:

Affirmative—Messrs. Corum, Cullen, Orr, Rand, Watson, and Mr. President—6.

Negative—Mr. Davis.

The title agreed to.

C. B. No. 8, entitled "An Act regulating descents and distributions," was taken up, read a third time, and passed by the following vote:

Affirmative—Messrs. Corum, Cullen, Rand, Watson, and Mr. President—5.

Negative—Messrs. Davis and Orr—2.

The title agreed to.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing that H. B. No. 3, entitled "An Act providing for the payment of jurors, witnesses and officers in Montana Territory," had passed the House.

Mr. Davis gave notice that he would, on to-morrow or some future day, introduce a bill, entitled "An Act to dissolve the bonds of matrimony existing between Robert K. Findlay and Elizabeth Findlay."

On motion of Mr. Rand, the Council adjourned until to-morrow morning at 10 o'clock.

TENTH DAY.

NOVEMBER 13, 1867.

[The Council met at 10 A. M. President Bagg in the chair.

Roll called—The following members answered to their names: Messrs. Corum, Cullen, Davis, Orr, Rand, Watson, and Mr. President.

Journal of yesterday read and approved.

Mr. Corum, chairman of the Committee on Engrossment, to whom was referred Council Bills Nos. 15 and 17, and H. B. No. 1, entitled respectively, "An Act to prevent the sale of intoxicating liquors to Indians," "An Act to divide the county of Gallatin," and "An Act creating certain offices in Montana Territory, declaring to whom resignations shall be made, when the office shall be deemed vacant, and the manner of filling vacancies," reported the same back as correctly engrossed.

Mr. Orr, chairman of the Committee on Printing, to whom was referred C. B. No. 18, entitled "An Act to provide for the formation of corporations for certain purposes," reported the same back as correctly printed.

Mr. Rand, chairman of the Committee on Judiciary, to whom was referred C. B. No. 4, entitled "An Act to amend an act to regulate proceedings in civil cases in courts of justice of the Territory of Montana," reported the same back, with the following amendments:

In section first, line 22, after the word "and," and before the word "barred," insert the word "not." Section two, line 7, after the word "all," and before the word "set-off," insert the word

"legal." Section three, after the word "the," in the tenth line, and before the word "should," in the eleventh line, strike out "detachment," and insert "attachment." Section six, line 23, after the word "the," and before "or," strike out the word "same," and insert "company." Section 18, after the word "thereof," in the fifth line, strike out the words "or to a probate judge of the county in which the action is pending." Section 19, after the word "judge," in the second line, strike out the words "or the probate judge designated in the previous section." Section 19, strike out after the word "attachment," in line 15, the balance of the section.

On motion of Mr. Orr, the report and amendments were adopted.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing that C. B. No. 9, entitled "An Act concerning highways, and to prevent the obstruction thereof," had been laid on the table for further consideration.

On motion of Mr. Davis, the following amendment was adopted to C. B. No. 4, entitled "An Act to amend an act entitled an act to regulate proceedings in civil cases in courts of justice in the Territory of Montana." Add—

"SECTION 26. That justices of the peace and probate courts shall have the power to issue attachments under the provisions of this act."

On motion of Mr. Rand, the bill was ordered engrossed, and placed upon its final passage.

Mr. Corum, chairman of the Committee on Towns and Counties, to whom was referred C. B. No. 19, entitled "An Act to authorize the county commissioners of the different counties of Montana Territory to fund the debt of their respective counties," reported the same back, recommending its passage.

On motion of Mr. Davis, the report was received, the rules suspended, bill considered engrossed, and placed upon its final passage.

Mr. Davis, chairman of the Committee on Education, to whom was referred C. B. No. 14, entitled "An Act to invest certain

religious, charitable and educational institutions with certain powers of bodies corporate," made the following report :

MR. PRESIDENT—A majority of your Committee, to whom was referred C. B. No. 14, "An Act entitled an act to invest religious, charitable and educational societies with certain powers of bodies corporate," beg leave to report the same back to the Council, and recommend that said bill be amended by striking out "twenty-five," and inserting "one hundred" wherever the same occurs in the sixth section of said act, and that said act, as amended, do pass.

ALEX. DAVIS,

Chairman of Committee on Education.

On motion of Mr. Watson, the report was received, the amendments adopted, and the bill laid on the table for further consideration.

Mr. Rand, chairman of the Select Committee appointed by the Council to report rules for the government of the two Houses, made the following report :

MR. PRESIDENT—Your Committee of the Council, to confer with a Committee of the House, to report joint rules for the government of the two Houses, beg leave to report that they recommend the adoption of the joint rules adopted by the second session of the Montana Legislature, and now printed with the rules of this 4th Council.

JASPER RAND,

Chairman Council Committee.

On motion of Mr. Orr, the report was received and adopted, and the Committee discharged.

Mr. Rand gave notice that he would, on to-morrow or some subsequent day, introduce a bill, entitled "An Act to regulate the proceedings, and defining the jurisdiction of the probate courts of this Territory."

Mr. Rand introduced C. B. No. 24, entitled "An Act locating the penitentiary of Montana Territory."

Read first time ; objections to second reading by Mr. Watson.

The question now being, "Shall this bill be rejected?" it was decided in the negative, as follows:

Voting in affirmative: Messrs. Davis, Orr, and Watson—3.

Voting in negative: Messrs. Corum, Cullen, Rand, and Mr. President—4.

The bill was read a second time, and referred to the Committee on Federal Relations.

Mr. Cullen, chairman of the Committee on Enrollment, reported Council Bills Nos. 1, 2, 7, and 11 as correctly enrolled, and delivered to the Governor for his approval.

Mr. Davis introduced C. B. No. 25, entitled "An Act to dissolve the bonds of matrimony existing between Robert K. Findlay and Elizabeth Findlay."

Read first and second time, and referred to Committee on Judiciary.

Mr. Cullen introduced C. B. No. 26, entitled "An Act relative to attorneys and counselors-at-law."

Read first and second time, and referred to Committee on Judiciary.

H. B. No. 3, entitled "An Act providing for the payment of jurors, witnesses and officers in Montana Territory," was taken up, read first and second time, and referred to Committee of Ways and Means.

H. B. No. 4, entitled "An Act supplementary to an act in relation to notaries public," was taken up, read first and second time, and referred to Committee on Judiciary.

C. B. No. 17, entitled "An Act to divide Gallatin county," was read third time, and passed by the following vote:

Affirmative—Messrs. Corum, Cullen, Davis, Orr, Rand, and Watson—6.

Negative—Mr. President.

Title agreed to.

C. B. No. 15, entitled "An Act to prevent the sale of intoxicating liquors to Indians," was taken up, read third time, and passed by following vote:

Affirmative—Messrs. Corum, Cullen, Orr, Rand, and Mr. Watson—5.

Negative—Mr. Davis and Mr. President—2.

Title agreed to.

On motion of Mr. Corum, the Council took a recess until 2 P. M.

AFTERNOON SESSION.

The Council met at 2 P. M. President Bagg in the chair.

Roll called—all present.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing that H. B. No. 10, entitled "An Act to provide for marks instead of signatures," had passed the House.

Also, that Mr. Word gave notice of the introduction of a bill entitled "An Act to amend an act to incorporate the city of Virginia, approved Dec. 30th, 1864."

H. B. No. 1, entitled "An Act creating certain offices in Montana Territory, declaring to whom resignations shall be made, when the office shall be deemed vacant, and the manner of filling vacancies," was taken up, read a third time, and placed upon its final passage.

Voting in the affirmative—Messrs. Corum, Cullen, Davis, Rand, Watson, and Mr. President—6.

Negative—Mr. Orr.

The bill was declared passed, and title agreed to.

Mr. Corum, chairman of the Committee on Federal Relations, to whom was referred C. B. No. 24, entitled "An Act locating the penitentiary of Montana Territory," reported the same back to the Council, as follows :

MR. PRESIDENT—A majority of your Committee on Federal Relations, to whom was referred Council Bill No. 24, locating the penitentiary of Montana, at Deer Lodge City, Deer Lodge county, M. T., report it back, with the information that the net proceeds of the internal revenue, to the amount of forty thousand dollars, set aside and appropriated by the General Government for that purpose, have been collected in conformity with said act, and now remain waiting an action of the Legislative Assembly of this Territory, similar to the one here reported, and the approval thereof by the Secretary of the Interior. Therefore your Committee beg leave to recommend the passage of said bill, without amendments.

J. W. CORUM, *Chairman.*

On motion of Mr. Rand, the report was adopted by the following vote :

Affirmative—Messrs. Corum, Cullen, Rand, and Mr. President—4.

Negative—Messrs. Davis, Orr, and Watson—3.

On motion of Mr. Rand, the bill was ordered engrossed, and placed upon its final passage by the following vote :

Affirmative—Messrs. Corum, Cullen, Rand, and Mr. President—4.

Negative—Messrs. Davis, Orr, and Watson—3.

Mr. Corum, chairman of the Committee on Engrossment, to whom was referred C. B. No. 6, entitled "An Act defining the duties of county treasurers of the several counties of Montana Territory," reported the same back to the Council as correctly engrossed.

The bill was read a third time, and passed by the following vote :

Affirmative—Messrs. Corum, Cullen, Rand, and Mr. President
—4.

Negative—Messrs. Orr, Davis, and Watson—3.

Title agreed to.

On motion of Mr. Rand, the Council adjourned until to-morrow morning, at 10 o'clock.

ELEVENTH DAY.

NOVEMBER 14, 1867.

The Council met at 10 A. M. President Bagg in the chair. .

Roll called—the following members answered to their names. Messrs. Corum, Cullen, Davis, Orr, Rand, Watson, and Mr. President.

Journal of yesterday read and approved.

Mr. Corum, chairman of Committee on Engrossment, to whom was referred C. B. No. 24, entitled "An Act locating the penitentiary of Montana Territory," reported the same back as correctly engrossed.

Mr. Rand introduced C. B. No. 27, entitled "An Act to regulate the proceedings and define the jurisdiction of the probate courts of this Territory."

Read first and second time.

Mr. Rand moved that twenty-five copies be printed.

Ayes and nays called.

Ayes—Messrs. Cullen, Rand, and Mr. President—3.

Nays—Messrs. Corum, Davis, Orr, and Watson—4.

Motion lost, and referred to Committee on Judiciary.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing that Mr. Word had introduced H. B. No. 11, entitled "An Act to amend an act to incorporate the City of Virginia."

Also, that C. B. No. 17, entitled "An Act to divide the county of Gallatin," had passed the House.

Also, that C. B. No. 15, entitled "An Act to prevent the sale of intoxicating liquors to Indians," had passed the House.

H. B. No. 10, entitled "An Act to provide for marks instead of signatures," was taken up, read first and second time, and referred to the Committee on Judiciary.

C. B. No. 19, entitled "An Act to authorize the county commissioners of the different counties of Montana to fund the debt of their respective counties," was taken up, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Orr, Rand, and Mr. President—5.

Nays—Messrs. Davis and Watson—2.

Title agreed to.

C. B. No. 24, entitled "An Act to locate the penitentiary of Montana Territory," was taken up, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Rand, and Mr. President—4.

Nays—Messrs. Davis, Orr, and Watson—3.

Title agreed to.

On motion of Mr. Orr, the Council took a recess until 2 P. M.

AFTERNOON SESSION.

The Council met at 2 P. M. President Bagg in the chair.

Roll called—present, Messrs. Corum, Davis, Orr, Rand, and Mr. President.

Absent—Messrs. Cullen and Watson.

Mr. Orr, chairman of the Committee on Printing, reported C. B. No. 22, entitled "An Act creating the office of master in chancery, and defining his powers and duties," as correctly printed.

A communication from Wm. Y. Lovell:

To the Honorable the Members of the Council of the Fourth Legislative Assembly of the Territory of Montana:

GENTLEMEN—In June last, I conceived the idea of starting a cabinet of the minerals, ores, fossils, etc., of this Territory, to be denominated "The Territorial Cabinet," promising contributors that when your honorable body should meet, the same would be placed at your disposal.

I have now the pleasure of redeeming my promise by informing you that the same is at your disposal for the interest of the Territory and the public good.

Respectfully,

WM. Y. LOVELL.

VIRGINIA CITY, M. T., Nov. 14, 1867.

Mr. Davis gave notice, that he would introduce a bill, entitled "An Act to provide for a system of common schools for Montana Territory."

Mr. Rand gave notice, that he would introduce a bill, entitled "An Act providing for the election of county attorneys, and defining their duties."

Mr. Orr gave notice, that he would introduce a bill, entitled "An Act to amend an act to provide compensation to the officers of this Territory."

On leave, Mr. Davis introduced C. B. No. 28, entitled "An Act to provide for a system of common schools for Montana Territory."

Read first and second time by its title, ordered printed, and referred to Committee on Education.

On motion of Mr. Rand, the Council adjourned until to-morrow morning at 10 o'clock.

TWELFTH DAY.

NOVEMBER 15, 1867.

The Council met at 10 A. M. President Bagg in the chair.

Roll called—the following members answered to their names: Messrs. Corum, Cullen, Davis, Orr, Rand, Watson, and Mr. President.

Journal of yesterday read and approved.

Mr. Rand, chairman of the Committee on Judiciary, to whom was referred Council Bills Nos. 23, 22, 25, and H. B. No. 4, made the following report :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred C. B. No. 23, "An Act to dissolve the bonds of matrimony between Mary E. Lannier and Amos Lannier," report the same to the Council, and recommend its passage.

JASPER RAND,
Chairman Judiciary Committee.

On C. B. No. 25 :

MR. PRESIDENT—Your Committee, to whom was referred C. B. No. 25, "An Act divorcing Robt. K. Findlay and Elizabeth Findlay," report said bill to the Council, and recommend its passage.

JASPER RAND,
Chairman Judiciary Committee.

On C. B. No. 22 :

MR. PRESIDENT—Your Committee, the Judiciary, to whom was referred C. B. No. 22, "A Bill for an act creating the office of master in chancery," beg leave to report that they have had

said bill under careful consideration, and report adversely to its passage.

JASPER RAND,

Chairman Judiciary Committee.

On H. B. No. 4:

MR. PRESIDENT—Your Committee, the Judiciary, to whom was referred H. B. No. 4, "An Act supplementary to an act in relation to notaries public," beg leave to report that they have had the same under consideration, and recommend its passage, with the following amendments:

Section 1. Line 6, after the word "the," strike out "clerk of district court," and insert "recorder." Line 8, after the word "the," strike out "secretary," and insert "recorder." Line 9, strike out "Territory," and insert "county."

Sec. 3. Strike out "district," and insert "probate."

JASPER RAND,

Chairman Judiciary Committee.

On motion of Mr. Corum, the reports were adopted.

On motion of Mr. Corum, C. B. No. 14, entitled "An Act to invest religious, charitable and educational societies with certain powers of bodies corporate," was taken from the table, and referred to the Committee on Engrossment.

On motion of Mr. Corum, the Council took a recess until 2 P. M.

AFTERNOON SESSION.

The Council met at 2 P. M. President Bagg in the chair.

Roll called—all present.

Mr. Rand, chairman of the Committee on Judiciary, to whom was referred H. B. No. 10, made the following report:

MR. PRESIDENT—Your Committee, the Judiciary, to whom was referred House Bill No. 10, being a bill for "An Act to provide for marks instead of signatures," report said bill to the Council, and recommend its passage.

JASPER RAND,
Chairman Judiciary Committee.

On motion of Mr. Corum, the report was adopted.

Mr. Watson, chairman of the Committee of Ways and Means, to whom was referred H. B. No. 3, made the following report :

MR. PRESIDENT—Your Committee of Ways and Means, to whom was referred H. B. No. 3, "Providing for the payment of jurors, witnesses and officers in Montana Territory," report that they have had the same under consideration, and recommend its passage, with the following amendment :

Strike out the word "county," in the 4th section, line 5, and insert the word "Territory."

H. B. No. 10, entitled "An Act to provide for marks instead of signatures," was taken up, read a third time, and passed by the following vote :

Ayes—Messrs. Cullen, Davis, Orr, Rand, Watson, and Mr. President—6.

Title agreed to.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing that H. B. No. 5, entitled "An Act to provide for storage and commission merchants to dispose of goods, wares, merchandise and machinery, for the storage of the same, or freight money advanced thereon," had passed the House.

Also, that H. J. R. No. 1, "Authorizing the Auditor to pay for arsenal and magazine," had passed the House.

Also, that C. B. No. 13, entitled "An Act to establish the boundary line of Edgerton county," had passed the House.

Also, that C. B. No. 24, entitled "An Act locating the penitentiary of Montana Territory," had passed the House.

Also, that C. B. No. 12, entitled "An Act defining the boundary lines of Missoula county," had passed the House.

Also, that C. B. No. 9, entitled "An Act concerning highways, and to prevent the obstruction thereof," had passed the House, with the following amendment:

Add, at the end of section 1, the following: "Excepting such roads and highways upon which franchises have heretofore been granted."

Also, that C. B. No. 6, entitled "An Act defining the duties of the county treasurers of the several counties of Montana Territory," had passed the House.

Also, that C. B. No. 19, entitled "An Act to authorize the county commissioners of the different counties of Montana Territory to fund the debt of their respective counties," had passed the House.

Also, that notice had been given of the following bills:

By Mr. Word, "An Act to amend an act incorporating the Great Beaver Head Wagon Road Company."

By Mr. Gallaher, "An Act establishing a territorial cabinet, and for other purposes."

That the following bills had been introduced:

By Mr. Tennant, H. B. No. 13, "An Act to re-enact an act incorporating a ferry across the Missouri river at the mouth of Trout creek."

By Mr. Gallaher, H. B. No. 14, "An Act for the relief of John Gay."

By Mr. Weston, H. B. No. 15, "An Act requiring district clerks to give bonds."

H. B. No. 3, entitled "An Act providing for the payment of jurors, witnesses and officers of Montana Territory," was called up, on motion of Mr. Rand, and the amendments ordered engrossed for third reading.

A communication from His Excellency the Governor, through Mr. Cummings, his private secretary:

EXECUTIVE OFFICE, TERRITORY OF MONTANA, }
VIRGINIA CITY, Nov. 13, 1867.

MR. PRESIDENT—I am directed by the Governor to inform the Council that he did, on the 13th inst., approve Council Bill No. 1, entitled "An Act to locate the county seat of Missoula county." Also, Council Bill No. 7, entitled "An Act fixing the time of the meeting of the Legislative Assembly of the Territory of Montana." Also, Council Bill No. 2, entitled "An Act requiring criminals to perform labor."

C. B. No. 22, entitled "An Act creating master in chancery and defining his duties," was called up, and on motion of Mr. Watson, laid on the table until to-morrow.

C. B. No. 23, entitled "An Act to dissolve the bonds of matrimony between Mary E. Lannier and Amos Lannier," was called up on motion of Mr. Rand, considered engrossed, and placed upon its final passage.

C. B. No. 25, entitled "An Act to dissolve the bonds of matrimony between Robert K. Findlay and Elizabeth Findlay," was called up, and on motion of Mr. Rand, the rules suspended, bill considered engrossed, and placed upon its final passage.

H. B. No. 4, entitled "An Act supplementary to an act in relation to notaries public," was called up, and amendments ordered engrossed, and passed to a third reading.

Mr. Cullen, chairman of the Committee on Enrollment, to whom was referred Council Bills Nos. 15 and 17, entitled respectively, "An Act to prevent the sale of intoxicating liquors to Indians," and "An Act to divide the county of Gallatin," reported the same as correctly enrolled, and that the same had been presented to the Governor for his approval.

H. B. No. 7, entitled "An Act to amend an act to locate the seat of government of Montana Territory," was taken up.

Mr. Corum moved a call of the Council.

Roll called—Mr. Cullen absent.

Sergeant-at-Arms ordered to bring in absentee.

Sergeant-at-Arms reported Mr. Cullen in his seat.

Further call of the House was dispensed with.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing that—

C. B. No. 8, entitled "An Act regulating descents and distributions," had passed the House.

Also, that H. B. No. 8 had been indefinitely postponed.

H. B. No. 7 was then read a first and second time. Mr. Davis offered the following amendments:

Amend section one by striking out the words "Helena, Edger-ton county," in second line, and inserting the words "Deer Lodge City, Deer Lodge county."

Also, amend section three by striking out the words "City of Helena," in the first line, and inserting the words "Deer Lodge City."

Mr. Orr offered the following amendment to Mr. Davis' amend-ment:

Amend the amendment by striking out the words "Deer Lodge" wherever they occur, and insert "Gallatin."

The question now being on the amendment to the amendment, it was declared passed by the following vote:

Ayes—Messrs. Davis, Orr, Rand, and Watson—4.

Nays—Messrs. Corum, Cullen, and Mr. President—3.

The question now being on Mr. Davis' amendment as amended, it was lost by the following vote:

Ayes—Messrs. Davis, Orr, and Watson—3.

Nays—Messrs. Corum, Cullen, Rand, and Mr. President—4.

Mr. Davis offered the following amendment :

Amend section two by adding after the figures "1868," the following :

"*Provided*, That the qualified voters of this Territory shall not, by any provisions of this act, be prevented from voting for any point for the location of the seat of government that they may desire, and that the point designated by a majority of the votes, shall, by proclamation, be declared the seat of government."

On motion of Mr. Rand, the amendment was laid on the table by the following vote :

Ayes—Messrs. Corum, Cullen, Rand, and Mr. President—4.

Nays—Messrs. Davis, Orr, and Watson—3.

Mr. Davis offered the following amendment, upon which the ayes and nays were called :

Amend section two by striking out the words "Helena, Edgerton county," in second line, and inserting the words "Philipsburg, Deer Lodge county."

Also, amend section three by striking out the words "City of Helena," in the first line, and inserting the words "Philipsburg, in Deer Lodge county."

Ayes—Messrs. Orr, Davis, and Watson—3.

Nays—Messrs. Corum, Cullen, Rand, and Mr. President—4.

The amendment was lost.

On motion of Mr. Rand, the rules were suspended, bill considered engrossed, and placed upon its final passage, by the following vote :

Ayes—Messrs. Corum, Cullen, Rand, and Mr. President—4.

Nays—Messrs. Davis, Orr, and Watson—3.

H. J. R. No. 1, "Authorizing the Auditor to pay for arsenal and magazine," was read first and second time, and referred to Committee on Military Affairs.

H. B. No. 5, entitled "An Act to provide for storage and commission merchants to dispose of goods, wares, merchandise and machinery, for the storage of the same, or freight money advanced thereon," was read first and second time, and referred to the Committee of the Whole.

On motion of Mr. Corum, the Council adjourned until tomorrow morning, at 10 o'clock.

THIRTEENTH DAY.

NOVEMBER 16, 1867.

The Council met at 10 A. M. President Bagg in the chair.

Roll called—The following members answered to their names : Messrs. Corum, Cullen, Davis, Orr, Rand, Watson, and Mr. President.

Journal of yesterday read and approved.

Mr. Corum, chairman of the Committee on Engrossment, to whom was referred C. B. No. 14, entitled "An Act to invest religious, charitable and benevolent institutions with certain powers of bodies corporate," reported the same back as correctly engrossed.

C. B. No. 9, entitled "An Act concerning highways, and to prevent obstructions thereof," was called up, and the amendments by the House concurred in.

C. B. No. 8, entitled "An Act regulating descents and distributions," was called up, and the amendments of the House adopted.

C. B. No. 14, entitled "An Act to invest certain religious, charitable and educational societies with certain powers of bodies corporate," was taken up and read a third time, and lost by the following vote :

Ayes—Messrs. Corum, Cullen, and Mr. President—3.

Nays—Messrs. Davis, Orr, Rand, and Watson—4.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing that—

H. B. No. 12, entitled "An Act conferring the rights of citizenship upon Joseph Kipp," had passed the House.

Also, that H. B. No. 13, entitled "An Act to re-enact an act to authorize C. D. Loutsenheizer, A. J. Burr and C. C. Stubbs to establish a ferry," had passed the House, and that—

C. B. No. 20, entitled "An Act amendatory of an act entitled an act regulating the holding of elections in Montana Territory," had passed the House, with the following amendments:

In section 3, line 14, strike out the word "or," where it occurs the second time in said 14th line, and insert, instead thereof, the word "and."

Mr. Rand gave notice that he would, on to-morrow, move a reconsideration of the vote by which C. B. No. 14 was lost.

C. B. No. 25, entitled "An Act divorcing Robert K. Findlay and Elizabeth Findlay," was taken up, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Rand, and Mr. President—5.

Nays—Messrs. Orr and Watson—2.

Title agreed to.

C. B. No. 23, entitled "An Act to dissolve the bonds of matrimony between Mary E. Lannier and Amos Lannier," was taken up, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Rand, Watson, and Mr. President—6.

Nay—Mr. Orr.

Title agreed to.

H. B. No. 7, entitled "An Act to amend an act to locate the seat of government of Montana Territory," was taken up, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Rand, and Mr. President—4.

Nays—Messrs. Davis, Orr, and Watson—3.

Title agreed to.

The following communication was then read from His Excellency the Governor :

EXECUTIVE OFFICE, VIRGINIA CITY, M. T.

Gentlemen of the Council :

I have carefully examined and considered Council Bill No. 11, entitled "An Act to provide for a census to be taken in the year 1868," and do not think it should become a law for the following reasons :

The time is so close at hand for the Government to take the general census of the United States at its own expense, it seems to me to be wrong to impose a debt of from four to eight thousand dollars on the Territory for taking the census in 1868, when the Government will assume it, and publish, in full, a more perfect return in 1870.

For the purposes of apportionment, the next General Assembly can very nearly approximate the facts by the vote at the election preceding their meeting, and the returns of assessors, if they do their duty.

Without arguing this subject, but merely mentioning these two sufficient reasons, I return to the House in which it originated, the bill, with my objections—not approved.

GREEN CLAY SMITH.

On motion of Mr. Rand, the Council proceeded to reconsider the bill.

The question now being, "Shall this bill pass, the Governor's objections notwithstanding?" it was decided in the negative, as follows :

Yeas—Messrs. Rand, Watson, and Mr. President—3.

Nays—Messrs. Corum, Cullen, Davis, and Orr—4.

On motion of Mr. Cullen, the Council took a recess until 2 P. M.

AFTERNOON SESSION.

The Council met at 2 P. M. President Bagg in the chair.

Roll called—Mr. Orr absent.

Mr. Davis, chairman of the Committee on Military Affairs, to whom was referred H. J. R. No. 1, "Authorizing the Auditor to pay for arsenal and magazine," reported the same back, and, on his motion, the resolution was referred to the Committee of Ways and Means.

C. B. No. 20, entitled "An Act regulating the holding of elections in Montana Territory," was taken up, and the amendments adopted by the House concurred in.

H. B. No. 12, entitled "An Act conferring the rights of citizenship on Joseph Kipp," was read first and second time, and referred to Committee on Federal Relations.

H. B. No. 13, entitled "An Act to re-enact an act to authorize C. D. Loutsenheizer, A. J. Burr and C. C. Stubbs to establish a ferry," was read first and second time, and referred to the Committee of the Whole.

C. B. No. 22, entitled "An Act creating the office of master in chancery, and defining his powers and duties," was taken up, and, on motion of Mr. Watson, laid on the table until Monday.

On motion of Mr. Cullen, the Council adjourned until Monday morning, at 10 o'clock.

FIFTEENTH DAY.

NOVEMBER 18, 1867.

The Council met at 10 A. M. President Bagg in the chair.

Roll called—The following members answered to their names: Messrs. Corum, Cullen, Davis, Orr, Rand, Watson, and Mr. President.

Journal of Saturday read and approved.

Mr. Corum, chairman of the Committee on Engrossment, to whom was referred H. B. No. 4, entitled "An Act supplementary to an act in relation to notaries public," and H. B. No. 3, entitled "An Act providing for the payment of jurors, witnesses and officers in Montana Territory," reported the same back as correctly engrossed.

Mr. Orr, chairman of the Committee on Printing, to whom was referred C. B. No. 26, entitled "An Act relative to attorneys and counselors-at-law," reported the same as correctly printed.

Mr. Cullen, chairman of Committee on Incorporations, to whom was referred C. B. No. 18, entitled "An Act to provide for the formation of corporations for certain purposes," made the following report:

MR. PRESIDENT—Your Committee on Incorporations, to whom was referred Council Bill No. 18, entitled "An Act to provide for the formation of corporations for certain purposes," respectfully report that they have had the said bill under consideration, and recommend its passage, with the following amendments, viz.:

That the following section be inserted in said act between sections thirty-six and thirty-seven, as the same are now numbered, viz. :

"That at the time of taking out the license under this act, the board of county commissioners granting the same may, in their discretion, grant to such bridge or ferry company the exclusive right to erect and maintain such bridge or ferry at the point named in such license, and for any distance they may deem proper up and down on the stream on which the same is situated, not to exceed one mile each way from the point at which said bridge or ferry is located."

Also, after the fourth subdivision of section 44, add: "*Provided*, That no corporation formed under the provisions of this act shall own or hold possession of more than six hundred and forty acres of land."

Also, that the following sections be added to said act, viz. :

"SEC. 50. Any corporation formed under this act may dissolve and disincorporate itself by presenting to the judge of the district court of the district in which the principal place of business of such corporation is situated, a petition to that effect, accompanied by a certificate of the proper officers, and setting forth, that at a general or special meeting of the stockholders called for that purpose, it was decided by a vote of two-thirds of all the stockholders to disincorporate and dissolve the corporation. Notice of the application shall then be given by the clerk of the court, which notice shall set forth the nature of the application, and shall specify the time when and the place where it is to be heard, and shall be published in some newspaper of the county where the principal place of business of said company is located, for at least four consecutive weeks before the time of the hearing of such application, or if no newspaper be published in the county, then by advertisement posted up for thirty days in three of the most public places in the county. At the time and place appointed, or any other to which the judge may postpone it, he shall proceed to hear and consider such application, and if satisfied that the corporation has taken the necessary preliminary steps and obtained the necessary votes to dissolve itself, he shall enter an order

declaring it dissolved, and the rights of franchise acquired by said corporations shall cease and become null and void after such dissolution.

"SEC. 51. Upon the dissolution of any corporation formed under this act, the trustees at the time of dissolution shall be the trustees of the creditors and stockholders of the corporation dissolved, and shall have full power and authority to sue for and receive the debts and property of the corporation, by the name of trustees of such corporation, collect and pay the outstanding debts, settle all its affairs and divide among the stockholders the money and other property that shall remain after the payment of the debts and necessary expenses.

"SEC. 52. Any corporation desiring at any time to remove its principal place of business into some other county of the Territory, shall file in the office of the county recorder of such county, a certified copy of its certificate of incorporation, and shall give notice of such removal by publication in some newspaper of the county in which such principal place of business was located, at least once a week for four weeks, and if no newspaper be published in such county, then by advertisement posted up for thirty days in three of the most public places in said county."

All of which is most respectfully submitted.

W. E. CULLEN, *Chairman.*

On motion of Mr. Watson, the report was adopted.

On motion of Mr. Orr, the bill was referred to the Committee of the Whole.

* Mr. Watson, chairman of the Committee of Ways and Means, to whom was referred C. B. No. 3, entitled "An Act to provide for the funding of the debt of Montana Territory," reported the same back to the Council, as follows:

MR. PRESIDENT—Your Committee of Ways and Means, to whom was referred C. B. No. 3, entitled "An Act to provide for the funding of the debt of Montana Territory," respectfully beg leave to report they have had the same under consideration, and recommend its passage, with the following amendments:

Section 1, in line 3, strike out the word "November," and insert "December."

Section 3, line 4, strike out the word "shall," and insert "may."

Section 7, in line 4, after the word "dollars" and before the word "is," in the same line, insert "or so much thereof as may be necessary."

Section 8, strike out "annually" in the fifth line, and insert, in lieu thereof, the words "semi-annually."

Section 10, line 8, strike out "ninety," and insert the word "sixty."

THOMAS WATSON,
Chairman Committee of Ways and Means.

On motion of Mr. Rand, the report was adopted, with the exception of the proposed amendment to section first and section third.

On motion of Mr. Corum, the bill was ordered engrossed for a third reading.

Mr. Corum, chairman of the Committee on Federal Relations, to whom was referred H. B. No. 12, entitled "An Act conferring the rights of citizenship upon Joseph Kipp," reported the same back, as follows:

MR. PRESIDENT—Your Committee on Federal Relations, to whom was referred House Bill No. 12, "An Act conferring the rights of citizenship upon Joseph Kipp," beg leave to report the same back, and recommend that it do not pass.

J. W. CORUM, *Chairman.*

On motion of Mr. Rand, the report was adopted, and laid on the table until Saturday.

A communication from the House, through their Chief Clerk, Mr. Barrett, announcing that H. B. No. 14, entitled "An Act to provide for the compensation of John Gay for services rendered the Territory," had passed the House.

Mr. Rand gave the following notice:

MR. PRESIDENT—On to-morrow I will introduce "A Bill for an act concerning jurors."

JASPER RAND.

Mr. Corum gave the following notice :

MR. PRESIDENT—I will on to-morrow introduce "A Bill entitled an act to amend an act relating to weights and measures."

J. W. CORUM.

Mr. Rand gave the following notice :

MR. PRESIDENT—On to-morrow I will introduce "A Bill for an act supplementary to an act concerning county treasurers."

JASPER RAND.

Mr. Corum gave the following notice :

MR. PRESIDENT—I will on to-morrow, introduce "A Bill amendatory of an act entitled an act defining the boundary lines of Jefferson county in Montana, approved February 2, 1865."

J. W. CORUM.

Mr. Corum introduced C. B. No. 29, entitled "An Act concerning lost goods and estrays." Read first and second time, and referred to Committee on Agriculture.

On motion of Mr. Rand, the vote by which C. B. No. 14, entitled "An Act to invest certain religious, charitable and educational societies with certain powers of bodies corporate," was passed, was reconsidered, and the bill laid on the table until Saturday.

H. B. No. 14, entitled, "An Act to provide compensation to John Gay," was read first and second time, and referred to Committee on Judiciary.

H. B. No. 4, entitled "An Act supplementary to an act in relation to notaries public," was taken up, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Orr, Rand, Watson, and Mr. President—7.

Nays—None.

Title agreed to.

H. B. No. 3, entitled "An Act providing for the payment of jurors, witnesses and officers of Montana Territory," was taken up, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Orr, Rand, Watson, and Mr. President—6.

Nay—Mr. Davis.

Title agreed to.

The Council resolved itself into a Committee of the Whole. Mr. Davis in the chair.

Committee arose, and asked leave to sit again.

Council resumed its session.

On motion of Mr. Rand, the Council took a recess until 2 P. M.

AFTERNOON SESSION.

The Council met at 2 P. M. President Bagg in the chair.

Roll called—All present.

The Council resolved itself into a Committee of the Whole. Mr. Davis in the chair.

The Council resumed its session. The President in the chair.

A communication from His Excellency the Governor, through Mr. Cummings, his private secretary :

EXECUTIVE OFFICE, TERRITORY OF MONTANA, }
VIRGINIA CITY, Nov. 18, 1867. }

MR. PRESIDENT—I am directed by the Governor to inform the Council that he did, on the 16th instant, approve Council Bill No. 17, entitled "An Act dividing the county of Gallatin."

Also, Council Bill No 15, entitled "An Act to prevent the sale of intoxicating liquors to Indians in Montana Territory."

The Council again resolved itself into a Committee of the Whole. Mr. Davis in the chair.

The Council resumed its session. Mr. President in the chair.

Mr. Davis, chairman of the Committee of the Whole, was given further time to report.

Mr. Cullen, chairman of the Committee on Enrollment, reported that C. B. No. 24, entitled "An Act locating the penitentiary of Montana Territory," had been correctly enrolled.

On motion of Mr. Orr, the Council adjourned until to-morrow morning, at 10 o'clock.

SIXTEENTH DAY.

NOVEMBER 19, 1867.

The Council met at 10 A. M. President Baggs in the chair.

Roll called—the following members answered to their names: Messrs. Corum, Cullen, Davis, Orr, Rand, Watson, and Mr. President.

Journal of yesterday read and approved.

A communication from the honorable Secretary of the Territory:

SECRETARY'S OFFICE,
VIRGINIA CITY, M. T., Nov. 18, 1867. }

To the Honorable Speaker and Members of the House of Representatives:

I beg leave to remind the honorable House of Representatives, that there are some ten or twelve boxes of books for the territorial library of Montana, now in the Interior Department at Washington, ready for shipment. I made an estimate of the cost of freight, and applied to the comptroller of the treasury for permission to pay the same out of government funds. In answer to my application, I was verbally informed by that officer, that the expense of transportation could not be incurred by the United States. My estimates for the cost of express and freight amounted to nearly six hundred dollars.

The books for the Territory are constantly accumulating, and would make a valuable addition to our library.

Thinking you might be unaware of the usage of the government in such cases, I have taken the liberty, in this official manner, to call your attention to the subject.

I have the honor and am very respectfully,

Your obedient servant,

JAMES TUFTS,

Secretary of Montana.

Mr. Cullen, chairman of the Committee on Enrollment, to whom were referred Council Bills Nos. 6, 9, and 24, entitled, respectively, "An Act defining the duties of county treasurers of the several counties of Montana Territory," "An Act concerning highways, and to prevent obstruction thereof," and "An Act locating the penitentiary of Montana Territory," reported the same as correctly enrolled.

Mr. Orr presented the following petition from sundry persons of Gallatin county :

To the Honorable the Legislative Assembly of the Territory of Montana :

We, the undersigned citizens of Gallatin county, would most respectfully represent to your honorable body, that the county of Gallatin, as it now is, is entirely too large, and we would most respectfully ask your honorable body to divide Gallatin county, and make the division the same that was made by the second Legislative Assembly of Montana. And we would further represent to your honorable body, that the present county seat of Gallatin county is very inconvenient to at least three-fourths of the citizens of the said county of Gallatin, and we would most respectfully ask your honorable body to pass an act providing for a special election, for the purpose of locating our seat of justice ; and by complying with these requests of your petitioners, you will greatly relieve their wants.

Signed by C. P. Blakely and numerous others.

• Mr. Rand, chairman of the Committee on Judiciary, to whom was referred C. B. No. 26, entitled "An Act relative to attorneys and counselors-at-law," reported the same back as follows :

MR. PRESIDENT—Your Committee, the Judiciary, to whom was referred C. B. No. 26; "An Act relative to attorneys and counselors-at-law," beg leave to report that they have had the same under consideration, and recommend that the bill pass, with the following amendments :

At the end of section 3, insert "or before a committee appointed by such judge."

Section 7, after the word "such," strike out the words "for at least two years."

Strike out the whole of section 18.

JASPER RAND, *Chairman*.

On motion of Mr. Corum, the report was adopted, the bill ordered engrossed, and placed upon its final passage.

Mr. Corum, chairman of the Committee on Engrossment, to whom was referred C. B. No. 4, entitled "An Act to regulate proceedings in attachments in civil cases," reported the same back as correctly engrossed.

Mr. Davis, chairman of the Committee of the Whole, to whom was referred C. B. No. 18, entitled "An Act to provide for the formation of corporations for certain purposes," made the following report:

MR. PRESIDENT—Your Committee of the Whole beg leave to report, that they have had under consideration C. B. No. 18, and hereby report the same back to the Council, with the following amendments:

Amend section 3 by adding at the end, the words "in the Territory of Montana."

Amend section 26, in the 16th line, after the word "book," add the words "or shall make any improper entry."

Amend section 13, 2nd line, by striking out the word "and," and substituting "or."

Amend section 32, by striking out all of the section after the word "right," in the 6th line.

Add at the end of section 36, the words "and shall have the exclusive right of way of three miles up and down said stream from said bridges or ferries."

Amend section 39, by striking all out after the word "obtained," in the 2nd line, and inserting the following: "by complying with the provisions of this act, and that said companies shall not be established upon public ferries, bridges or highways."

Amend section 43, by adding the words "and the county commissioners of the counties in which the roads, bridges and ferries are located, may purchase, upon agreement with said companies,

said roads, bridges and ferries, declaring them free to the use of the public."

Amend section 44 by adding "*Provided*, That no corporation formed under the provisions of this act, shall own or hold possession of more than six hundred and forty acres of land."

Add the following as section 50:

"SEC. 50. Any corporation formed under this act may dissolve and disincorporate itself by presenting to the judge of the district court of the district in which the principal place of business of such corporation is situated, a petition to that effect, accompanied by a certificate of the proper officers, and setting forth that at a general or special meeting of the stockholders called for that purpose, it was decided, by a vote of two-thirds of all the stockholders, to disincorporate and dissolve the corporation. Notice of the application shall then be given by the clerk of the court, which notice shall set forth the nature of the application, and shall specify the time when and the place where it is to be heard, and shall be published in some newspaper of the county where the principal place of business of said company is located, for at least four consecutive weeks before the time of the hearing of such application, or if no newspaper be published in the county, then by advertisement posted up for thirty days in three of the most public places in the county. At the time and place appointed, or any other to which the judge may postpone it, he shall proceed to hear and consider such application, and if satisfied that the corporation has taken the necessary preliminary steps, and obtained the necessary votes to dissolve itself, he shall enter an order declaring it dissolved, and the rights of franchise acquired by said corporations shall cease and become null and void after such dissolution.

"SEC. 51. Upon the dissolution of any corporation formed under this act, the trustees at the time of dissolution shall be the trustees of the creditors and stockholders of the corporation dissolved, and shall have full power and authority to sue for and receive the debts and property of the corporation, by the name of trustees of such corporation, collect and pay the outstanding debts, settle all its affairs, and divide among the stockholders the money and other property that shall remain after the payment of the debts and necessary expenses.

"SEC. 52. Any corporation desiring at any time to remove its principal place of business into some other county of the Territory, shall file, in the office of the county recorder of such county, a certified copy of its certificate of incorporation, and shall give notice of such removal by publication in some newspaper of the county in which such principal place of business was located, at least once a week for four weeks, and if no newspaper be published in such county, then by advertisement posted up for thirty days in three of the most public places in said county.

"SEC. 53. This act to take effect and be in force from and after its passage and approval."

On motion of Mr. Corum, the report was adopted, and the bill ordered engrossed and printed for third reading.

Mr. Orr presented C. B. No. 30, entitled "An Act to amend an act entitled an act to provide increased compensation to officers in this Territory, approved January 24, 1865." Read first and second time, and referred to the Judiciary Committee.

Mr. Rand introduced C. B. No. 31, entitled "An Act concerning jurors." Read first and second time, and referred to Committee of the Whole

A communication from the House, through Mr. Barrett, Chief Clerk, announcing that the following notices have been given in the House for the introduction of bills:

By Mr. Rhodes, "An Act to establish a Territorial hospital."

By Mr. Kennerly, "An Act to re-enact an act entitled an act authorizing R. Tingly and John Kennedy to construct a wagon road around the Falls of the Missouri river."

By Mr. Gallaher, "An Act to re-enact an act to authorize Charles Francisco and David Abbott to construct and maintain a ferry on Sun river, approved Dec. 14, 1866."

By Mr. Anderson, "An Act to amend an act entitled an act securing liens to mechanics and others."

Mr. Weston introduced H. B. No. 18, "An Act for the relief of Ed. Lovelock and W. K. Roberts."

Mr. Boswell gave notice for the introduction of "An Act authorizing the county commissioners of the several counties of Montana Territory to provide county buildings for their several counties."

Mr. Corum introduced C. B. No. 32, entitled "An Act regulating weights and measures."

Read first and second time, and referred to Committee of the Whole.

Mr. Rand introduced C. B. No. 33, entitled "An Act supplementary to an act in relation to county treasurers."

Read first and second time, and referred to the Committee of the Whole.

Mr. Cullen gave notice that he left the following bills with the Governor for his signature, at 10 o'clock A. M., November 19, 1867:

C. B. No. 6, entitled "An Act defining the duties of county treasurers of the several counties of Montana Territory."

C. B. No. 9, entitled "An Act concerning highways, and to prevent the obstruction thereof."

C. B. No. 24, entitled "An Act locating the penitentiary in the Territory of Montana."

A communication from the House, through Mr. Barrett, Chief Clerk, announcing the following resolution as passed that body:

Resolved, That the members of the Council be invited to meet the members of the House in their Hall at 2½ o'clock P. M., to-day, in joint session, for the purpose of electing a Territorial Auditor, Territorial Treasurer, and Superintendent of Public Instruction.

C. B. No. 4, entitled "An Act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of the Territory of Montana, passed April 12th, 1864," was read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Orr, Rand, Watson, and Mr. President—7.

On motion of Mr. Rand, the title was amended so as to read as follows :

"An Act to regulate proceedings in attachments in civil cases."

A communication from the House, through Mr. Barrett, announcing that—

H. B. No. 17, entitled "An Act concerning the registration of births and deaths," had passed the House.

Also, that the House had concurred in the Council amendments to H. B. No. 3, entitled "An Act providing for the payment of jurors, witnesses and officers in Montana Territory."

Mr. President offered the following :

Resolved, That the Council meet the House at 2½ o'clock P. M. to-day, in joint convention, as requested, to elect Territorial officers.

On motion of Mr. Cullen, the resolution was adopted.

The Council then resolved itself into a Committee of the Whole. Mr. Watson as chairman.

Committee arose, and asked leave to sit again.

The Council resumed its session. Mr. President in the chair.

On motion of Mr. Rand, the Council took a recess until 2 P. M.

AFTERNOON SESSION.

The Council met at 2 P. M. President Bagg in the chair.

Roll called—The following members answered to their names: Messrs. Corum, Cullen, Davis, Orr, Rand, Watson, and Mr. President.

Mr. Cullen, chairman of the Committee on Enrollment, reported C. B. No. 8, entitled "An Act regulating descents and distributions,"

Also, C. B. No. 12, entitled "An Act defining the boundary lines of Missoula county,"

Also C. B. No. 13, entitled "An Act to establish the boundary lines of Edgerton county," as correctly enrolled.

The Council resolved itself into a Committee of the Whole. Mr. Watson in the chair.

The Committee arose, and asked leave to sit again.

The Council resumed its session. Mr. President in the chair.

Mr. Cullen reported, that he had presented C. B. No. 12, entitled "An Act defining the boundary lines of Missoula county," C. B. No. 13, entitled "An Act defining the boundary lines of Edgerton county," and C. B. No. 8, entitled "An Act regulating descents and distributions," to the Governor at 2 $\frac{1}{4}$ o'clock, P. M., on this November 19, 1867.

On motion of Mr. Rand, the Council proceeded to the House, in obedience to their request to meet them in joint convention at 2 $\frac{1}{2}$ P. M.

JOINT CONVENTION.

Mr. President in the chair.

Roll called—The following members answered to their names :

Messrs. Anderson, Boswell, Comly, Corum, Cullen, Davis, Edwards, Gallaher, Kennerly, Orr, Patton, Rand, Rhodes, Tennant, Watson, Weston, Word, Mr. Speaker, and Mr. President—19.

Absent—Mr. Simms.

On motion of Mr. Word, the following resolution was adopted:

Resolved, That the election of the officers for which this joint session is convened, shall be in the following order:

First, Territorial Auditor; second, Territorial Treasurer; third, Superintendent of Public Instruction; and that the voting shall be by ballot.

On motion of Mr. Corum, two tellers were appointed, consisting of Messrs. Corum and Word.

Nominations being announced as in order—

Mr. Rand placed in nomination Mr. Rodgers for the office of Territorial Auditor.

Mr. Tennant nominated Mr. Ming.

Mr. Comly nominated Mr. Thomas.

The convention then proceeded to the first ballot:

Mr. Ming received 7 votes; Mr. Rodgers received 9 votes; Mr. Thomas received 3 votes. Necessary to a choice, 10.

There being no election, the convention proceeded to a second ballot:

Mr. Comly withdrew the name of Mr. Thomas.

Mr. Ming received 7 votes; Mr. Rodgers received 12 votes.

Mr. Rodgers having received a majority of all the votes cast, was declared duly elected to the office of Territorial Auditor.

Nominations for Territorial Treasurer being announced as next in order, Mr. Speaker nominated Mr. Barclay.

Mr. Watson nominated Mr. Peabody.

Mr. Gallaher nominated Mr. Hill.

The convention then proceeded to the first ballot:

Mr. Barclay received 6 votes; Mr. Peabody, 4 votes; Mr. Hill, 9 votes. Necessary to a choice, 10.

There being no election, the convention proceeded to the second ballot:

Mr. Barclay received 8 votes; Mr. Hill received 6 votes; Mr. Peabody received 4 votes; Mr. Rodgers received one vote for Territorial Auditor. Necessary to a choice, 10.

There being no election, the convention proceeded to the third ballot :

Mr. Hill received 7 votes ; Mr. Barclay received 7 votes ; Mr. Peabody received 5 votes. Necessary to a choice, 10.

There being no election, the convention proceeded to the fourth ballot :

Mr. Hill received 7 votes ; Mr. Barclay received 8 votes ; Mr. Peabody received 4 votes. Necessary to a choice, 10.

There being no election, the convention proceeded to take the fifth ballot :

Mr. Barclay received 7 votes ; Mr. Hill received 7 votes ; Mr. Peabody received 5 votes. Necessary to a choice, 10.

There being no election, the convention proceeded to the sixth ballot :

Mr. Barclay received 8 votes ; Mr. Peabody received 6 votes ; Mr. Hill received 5 votes. Necessary to a choice, 10.

Mr. Davis moved that the convention take a recess of fifteen minutes.

Motion lost.

There being no election, the convention proceeded to the seventh ballot :

Mr. Barclay received 6 votes ; Mr. Hill received 5 votes ; Mr. Peabody received 7 votes. Necessary to a choice, 10.

There being no election, the convention proceeded to the eighth ballot :

Mr. Barclay received 8 votes ; Mr. Hill received 4 votes ; Mr. Peabody received 7 votes. Necessary to a choice, 10.

Mr. Word moved to adjourn until to-morrow morning at 10 A. M.

Motion lost.

On motion of Mr. Boswell, the joint convention took a recess of twenty minutes.

Convention resumed its session.

Roll called—all present.

There still being no election for Territorial Treasurer, the convention proceeded to take the ninth ballot:

Mr. Barclay received 7 votes; Mr. Peabody received 6 votes; Mr. Hill received 6 votes. Necessary to a choice, 10.

There being no election, the convention proceeded to the tenth ballot:

Mr. Barclay received 8 votes; Mr. Peabody received 4 votes; Mr. Hill received 7 votes. Necessary to a choice, 10.

There being no election, the convention proceeded to the eleventh ballot:

Mr. Barclay received 8 votes; Mr. Hill received 8 votes; Mr. Peabody received 3 votes. Necessary to a choice, 10.

On motion of Mr. Tennant, the convention took a recess until 7 P. M.

EVENING SESSION.

The convention met at 7 P. M. President Bagg in the chair.

Roll called—The following members answered to their names: Messrs. Anderson, Boswell, Comly, Corum, Cullen, Davis, Edwards, Gallaher, Kennerly, Orr, Patton, Rand, Rhodes, Tennant, Watson, Weston, Word, Mr. Speaker, and Mr. President—19.

Absent—Mr. Simms.

Mr. Gallaher withdrew the name of Mr. Hill.

The convention then proceeded to take the twelfth ballot:

Mr. Barclay received 11 votes; Mr. Peabody received 8 votes. Necessary to a choice, 10.

Mr. Barclay having received a majority of all the votes cast, was declared duly elected to the office of Territorial Treasurer.

Nominations for Superintendent of Public Instruction being announced as in order, Mr. Comly nominated Professor T. F. Campbell.

Mr. Kennerly nominated A. M. S. Carpenter.

Mr. Tennant nominated F. A. Shields.

Mr. Rand nominated Mr. Newcomer.

The convention proceeded to the first ballot :

Mr. Shields received 6 votes ; Mr. Newcomer received 4 votes ; Mr. Campbell received 7 votes ; Mr. Carpenter received 2 votes. Necessary to a choice, 10.

There being no election, the convention proceeded to the second ballot :

Mr. Shields received 3 votes ; Mr. Newcomer received 3 votes ; Mr. Campbell received 4 votes ; Mr. Carpenter received 5 votes ; Mr. Woolfolk received one vote. Necessary to a choice, 10.

There being no election, the convention proceeded to a third ballot :

Mr. Campbell received 7 votes ; Mr. Shields received 2 votes ; Mr. Carpenter received 2 votes ; Mr. Newcomer received 3 votes ; "Helena county" received 3 votes ; Mr. Woolfolk received 2 votes. Necessary to a choice, 10.

Mr. Tennant withdrew the name of Mr. Shields, at his request.

The convention proceeded to the fourth ballot :

Mr. Campbell received 8 votes ; Mr. Carpenter received 3 votes ; Mr. Newcomer received 5 votes ; "Helena county" received 2 votes ; "Three Forks" received one vote ; "Virginia Territory" received one vote. Necessary to a choice, 10.

On motion of Mr. Orr, the following resolution was adopted :

Resolved, That hereafter the joint convention vote *viva voce*.

The convention then proceeded to vote *viva voce*.

Mr. Campbell received 10 votes ; Mr. Carpenter received 4 votes ; Mr. Newcomer received 5 votes. Necessary to a choice, 10.

Mr. Campbell having received a majority of all the votes cast, was declared duly elected Superintendent of Public Instruction.

On motion of Mr. Rand, the joint convention adjourned.

The Council resumed its session. The President in the chair.

Roll called—all present.

On motion of Mr. Orr, the Council adjourned until to-morrow morning, at 10 o'clock.

SEVENTEENTH DAY.

NOVEMBER 20, 1867.

The Council met at 10 A. M. President Bagg in the chair.

Roll called—all present.

Journal of yesterday read, amended, and approved.

Mr. Watson, chairman of the Committee of the Whole, made the following report:

MR. PRESIDENT—The Committee of the Whole, to whom was referred H. B. No. 5, entitled “An Act to provide for storage and commission merchants to dispose of goods, wares, merchandise and machinery,” have instructed me to report the same back, with the following amendments:

In section one, line five, strike out the words “sixty days or more,” and insert in lieu thereof, “ninety days,” and add to the end of section one, the following:

“*Provided*, That no more of such goods, wares and merchandise, or machinery, shall be sold than is necessary to pay the charges due, together with the costs, (and as shall accrue every six months thereafter.)”

In section 3, twelfth line, strike out the word “depositing,” and insert “owning.”

THOS. WATSON,
Chairman of the Committee of the Whole.

On motion of Mr. Rand, the report was adopted, the bill ordered engrossed, and passed to its third reading.

Mr. Orr, chairman of the Committee on Printing, reported C. B. No. 27, entitled "An Act to regulate the proceedings and define the jurisdiction of the probate courts of this Territory, as correctly printed.

Mr. Orr gave the following notice:

MR. PRESIDENT—I will, on to-morrow or some future day, introduce "A Bill providing for a special election in Gallatin county, for the purpose of locating the county seat of said county."

SAMPLE ORR.

Mr. Rand gave the following notices:

MR. PRESIDENT—On to-morrow I will introduce "A Bill authorizing the county commissioners of Deer Lodge county to raise a special tax for the purpose of constructing county buildings."

JASPER RAND.

MR. PRESIDENT—On some future day I will introduce a bill for an act entitled "An Act to amend an act entitled an act concerning limitations, approved February 9th, 1865."

JASPER RAND.

Mr. Corum introduced C. B. No. 34, entitled "An Act to define the boundary lines of Jefferson county."

Read first and second time, and referred to the Committee on Towns and Counties.

Mr. Cullen introduced C. B. No. 35, entitled "An Act to legalize the proceedings of the district courts of Montana Territory."

Read first and second time, and referred to Committee on Judiciary.

Mr. Rand introduced C. J. R. No. 2, "Requiring certain information from the Governor in relation to military affairs."

Read first and second time, and referred to Committee on Federal Relations.

H. B. No. 17, entitled "An Act concerning the registration of births and deaths."

Read first and second time, referred to Committee of Whole, and made the special order for the second Monday in December.

The Council resolved itself into a Committee of the Whole. Mr. Cullen in the chair.

The Committee arose.

The Council resumed its session. Mr. President in the chair.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing that the House had passed a resolution declaring that they would not pass any bills granting divorces, unless there was evidence under affirmation introduced that the grounds for such application were just and equitable.

The Council again resolved itself into a Committee of the Whole. Mr. Cullen in the chair.

The Committee arose.

The Council resumed its session. Mr. President in the chair.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing that the following bills had been introduced in the House :

By Mr. Patton, H. B. No. 21, "An Act to dissolve the bonds of matrimony between James B. Dority and Amanda Dority."

By Mr. Kennerly, "An Act to re-enact an act to authorize Robt. Tingly and John Kennedy to construct a wagon road around the Falls of the Missouri river."

That Mr. Gallaher gave notice that he would introduce "An Act to dissolve the bonds of matrimony between Edward McBroom and Margaret McBroom."

The council again resolved itself into Committee of the Whole. Mr. Cullen chairman.

The Committee arose, and asked leave to sit again.

The Council resumed its session. Mr. President in the chair.

On motion of Mr. Orr, the Council took a recess until
2 P. M.

AFTERNOON SESSION.

Council met at 2 P. M. President Bagg in the chair.

Roll called—all present.

Mr. Corum, chairman of the Committee on Engrossment, to whom was referred C. B. No. 3, entitled "An Act to provide for the funding of the debt of Montana Territory," reported the same back to the Council as correctly engrossed.

The Council then resolved itself into a Committee of the Whole. Mr. Cullen in the chair.

The Committee arose, and the Council resumed its session.

Mr. President in the chair.

On motion of Mr. Corum, the Council adjourned until to-morrow morning, at 10 o'clock.

EIGHTEENTH DAY.

NOVEMBER 21, 1867.

The Council met pursuant to adjournment. President Bagg in the chair.

Roll called—The following members answered to their names: Messrs. Corum, Cullen, Davis, Orr, Rand, Watson, and Mr. President.

Journal of yesterday read and approved.

Mr. Cullen, chairman of the Committee of the Whole, made the following report:

MR. PRESIDENT—The Committee of the Whole House, to whom was referred House Bill No. 13, entitled "An Act entitled an act to re-enact an act to authorize C. D. Loutsenheizer, A. J. Burr and C. C. Stubbs to establish a ferry, have had the same under consideration and have directed me to report the same back, with the recommendation that the bill pass.

On motion of Mr. Watson, the report was laid on the table for the present.

Mr. Corum, chairman of the Committee on Engrossment, reported H. B. No. 5, entitled "An Act to provide for storage and commission merchants to dispose of goods, wares, merchandise and machinery for the storage of the same or freight money advanced thereon," reported the same as correctly engrossed.

Mr. Corum made the following report:

MR. PRESIDENT—Your Committee on Towns and Counties, to

whom was referred Council Bill No. 34, report the same back, and recommend that it pass.

On motion of Mr. Rand, the report was adopted, the rules suspended, bill considered engrossed, and passed to a third reading.

Mr. Corum made the following report :

MR. PRESIDENT—Your Committee on Federal Relations, to whom was referred Council Joint Resolution No. 2, report the same back, and recommend that it do not pass.

On motion of Mr. Rand, the report was adopted.

Mr. Cullen, to whom was referred C. B. No. 19, entitled "An Act to authorize the county commissioners of the different counties of Montana to fund the debt of their respective counties,"

Also, C. B. No. 20, entitled "An Act regulating the holding of elections in Montana Territory," reported the same as correctly enrolled.

Mr. Rand introduced C. B. No. 36, entitled "An Act creating a board of special commissioners in Deer Lodge county," which was read a first and second time, and referred to Committee on Judiciary.

H. B. No. 5, entitled "An Act to provide for storage and commission merchants to dispose of goods, wares, merchandise and machinery, for the storage of the same or freight money advanced thereon," was taken up, read a third time, and passed by the following vote:

Ayes—Messrs. Corum, Davis, Orr, Rand, Watson, and Mr. President—6.

Absent—Mr. Cullen.

Title agreed to.

C. B. No. 3, entitled "An Act to provide for the funding of

the debt of Montana Territory," was taken up, read third time, and passed by the following vote :

Ayes—Messrs. Corum, Rand, Watson, and Mr. President—4.

Nays—Messrs. Davis and Orr—2.

Absent—Mr. Cullen.

Title agreed to.

Mr. Orr, chairman of the Committee on Printing, reported C. B. No. 33, entitled "An Act supplementary to an act concerning county treasurers,"

Also, C. B. No. 32, entitled "An Act to amend an act concerning weights and measures,"

Also, C. B. No. 35, "An Act to legalize the proceedings of the district courts of Montana Territory,"

Also, C. B. No. 31, entitled "An Act concerning jurors," as correctly printed.

The Council resolved itself into a Committee of the Whole. Mr. Corum chairman.

The Committee arose.

Mr. President in the chair.

A message from His Excellency the Governor, by Mr. Cummings, his private secretary :

MR. PRESIDENT—I am directed by the Governor to inform the Council that on the 19th inst., he approved C. B. No. 6, entitled "An Act defining the duties of county treasurers, and the payment of county warrants."

Also, C. B. No. 9, entitled "An Act concerning highways, and to prevent obstructions thereof."

Also, C. B. No. 24, entitled "An Act locating the penitentiary in Montana Territory."

The Council again resolved itself into a Committee of the Whole. Mr. Corum in the chair.

The Committee arose.

The Council resumed its session. Mr. President in the chair.

Mr. Cullen, chairman of the Committee on Enrollment, reported that he had presented the following bills to the Governor at 12 M., Nov. 21, 1867:

C. B. No. 19, "An Act to authorize the county commissioners of the several counties of the Territory of Montana to fund the debt of their respective counties."

Also, C. B. No. 20, "An Act amendatory of an act entitled an act regulating the holding of elections in Montana Territory."

On motion of Mr. Rand, the Council took a recess until 2 P. M.

AFTERNOON SESSION.

The Council met at 2 P. M. Mr. President in the chair.

Roll called—all present.

Mr. Corum, chairman of the Committee on Engrossment, reported C. B. No. 26, entitled "An Act relative to attorneys and counselors-at-law," as correctly engrossed.

A communication from His Excellency the Governor, through Mr. Cummings, his private secretary:

MR. PRESIDENT—The Governor directs me to inform the Council that he did, on the 20th instant, approve and sign C. B. No. 12, entitled "An Act to define the boundaries of the county of Missoula."

Also, on the 21st instant, approved and signed C. B. No. 13, entitled "An Act establishing the boundary lines of Edgerton county."

Also, C. B. No. 8, entitled "An Act regulating descents and distributions."

Mr. Rand gave the following notice:

MR. PRESIDENT—On some future day I will introduce "A Bill authorizing the county commissioners of Missoula county to raise a special tax for the purpose of constructing bridges over the Hell Gate and Bitter Root rivers."

Mr. Orr introduced C. B. No. 37, entitled "An Act to authorize the people of Gallatin county to locate the county seat of Gallatin county."

Read first and second time, and referred to the Committee on Towns and Counties.

The Council resolved itself into a Committee of the Whole. Mr. Corum in the chair.

The Committee arose.

The Council resumed its session. Mr. President in the chair.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing that H. B. No. 7, entitled "An Act to amend an act to locate the seat of government of Montana Territory," had passed the House, the Governor's objections notwithstanding.

On motion of Mr. Cullen, the Council adjourned until to-morrow morning at 10 o'clock.

NINETEENTH DAY.

NOVEMBER 22, 1867.

The Council met at 10 A. M. President Baggs in the chair.

Roll called—all present.

Journal of yesterday read and approved.

Mr. Cullen presented a petition from sundry citizens of Jefferson county :

To the Council and Assembly of the Territory of Montana :

HONORABLE SIRS—Whereas, We understand that your honorable body has seen fit to remove our county seat from its former location (Prickly Pear City), and,

Whereas, Jefferson county is very unnaturally and inconveniently formed, being composed in part of several valleys, and intersected by a number of formidable mountain ranges, making it very inconvenient, to say the least, for the inhabitants to pass from one portion of it to another ; and,

Whereas, The Upper Prickly Pear Valley has been by nature so formed that it the more naturally belongs to that section of the country known as Edgerton county. And, believing it ought to be connected with that county for the convenience of its citizens in the transaction of county business,

Therefore, we, the undersigned citizens of that portion of Jefferson county known as the Prickly Pear Valley, together with its tributaries, would most humbly petition your honorable body that the boundary lines of Edgerton county may be so run that, leaving near or at Bald Mountain, situate near the headwaters of Ten Mile Lump Gulch, and the north fork of the Boulder streams,

may take a south, south-east and easterly course, following the main divide between the headwaters of Prickly Pear, together with its branches, and the headwaters of the left bank of the north fork of the Boulder river, until it reaches the summit of Colfax Peak, situate at the headwaters of the Prickly Pear, Crow Creek and Elk Horn gulches; thence following the main divide between the waters of the Prickly Pear and Crow creek, until it reaches the head of Mitchell's gulch; thence following the divide between Mitchell's gulch and Beaver creek, until it intersects the upper stage road leading from Helena to Gallatin Valley and Diamond City.

We, your petitioners, will ever pray.

(Signed by Philip Shenon and forty-two others.)

JEFFERSON CITY, M. T., Nov. 19, 1867.

There being no objections, the petition was referred to the Committee on Towns and Counties.

Mr. Orr, chairman of the Committee on Printing, to whom was referred C. B. No. 30, entitled "An Act to amend an act entitled an act to provide increased compensation to officers in this Territory, approved January 24, 1865," reported the same as correctly printed.

Mr. Rand, chairman of the Committee on Judiciary, reported C. B. No. 21, entitled "An Act defining the duties of Territorial Auditor and Territorial Treasurer of the Territory of Montana," back, and recommended its passage.

On motion of Mr. Corum, the bill was considered engrossed, and passed to its third reading.

Mr. Rand, chairman of the Committee on Judiciary, to whom was referred C. B. No. 36, entitled "An Act creating a special board of commissioners in Deer Lodge county for the purpose of constructing county buildings," reported the same back, and recommended its passage, with the following amendments:

In section 3, line 2, after the word "constructed," insert "at the town of Deer Lodge and."

In section 5, line 5, after the words "per cent," strike out "upon all amounts," and insert "for receiving and disbursing all sums."

On motion of Mr. Corum, the report was adopted, the bill ordered engrossed, and passed to third reading.

Mr. Corum made the following report upon H. B. No. 14 :

MR. PRESIDENT—A majority of your Committee on Judiciary, to whom was referred House Bill No. 14, "A Bill for an act to provide for the compensation of John Guy, for services rendered the Territory," beg leave to report the same back to the Council, and recommend its passage.

On motion of Mr. Orr, the report was adopted, the bill considered as engrossed, and passed to third reading.

Mr. Rand introduced C. B. No. 38, entitled "An Act to authorize the county commissioners of Missoula county to raise a special tax for bridge purposes."

Read first and second time, and referred to Committee on Towns and Counties.

H. B. No. 7, entitled "An Act to amend an act to locate the seat of government of Montana Territory," was taken up, and, on motion of Mr. Rand, made the special order of the day for Saturday, November 30, 1867, by the following vote:

Ayes—Messrs. Corum, Cullen, Rand, and Mr. President—4.

Nays—Messrs. Davis, Orr, and Watson—3.

H. B. No. 14, entitled "An Act to provide for the compensation of John Guy, for services rendered the Territory," was taken up, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Orr, and Watson—5.

Nay—Mr. President.

Mr. Rand was excused from voting on the question of its passage.

The title agreed to.

C. B. No. 26, entitled "An Act relative to attorneys and counselors-at-law," was taken up, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Orr, Rand, and Watson—6.

Nay—Mr. President.

Title agreed to.

C. B. No. 21, entitled "An Act defining the duties of Territorial Auditor and Territorial Treasurer of the Territory of Montana," was taken up, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Orr, Rand, Watson, and Mr. President—6.

Nay—Mr. Davis.

Title agreed to.

C. B. No. 34, entitled "An Act to establish the boundary lines of Jefferson county," was taken up, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Orr, Rand, Watson, and Mr. President—6.

Nay—Mr. Davis.

Title agreed to.

The Council resolved itself into Committee of the Whole. Mr. Corum chairman.

The Committee arose.

The Council resumed its session. Mr. President in the chair.

H. B. No. 13, entitled "An Act to re-enact an act to authorize C. D. Loutsenheizer, A. J. Burr, and C. C. Stubbs, to establish a ferry," was taken up, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, and Mr. President—4.

Nays—Messrs. Orr, Rand, and Watson—3.

Title agreed to.

Mr. Orr gave the following notice :

MR. PRESIDENT—I give notice that I will, on to-morrow or some subsequent day of the session, introduce "A Joint Memorial to the Congress of the United States, to pass an act authorizing and enabling the inhabitants of Montana Territory to call a convention to form a State Constitution, preparatory to her admission into the Union."

A communication from the House, by Mr. Shields, Assistant Clerk :

That Mr. Gallaher introduced H. B. No. 23, "An Act to dissolve the bonds of matrimony now existing between Edward McBroom and Margaret McBroom."

That Mr. Anderson introduced H. B. No. 24, "An Act to amend an act securing liens to mechanics and others."

That C. B. No. 25, "An Act divorcing Robert K. Findlay and Elizabeth Findlay," was read first and second time, and laid on the table.

That Mr. Weston introduced H. B. No. 25, "An Act to amend an act concerning licenses."

That Mr. Word introduced H. B. No. 26, "An Act to provide for a territorial library."

On motion of Mr. Rand, the Council took a recess until 2 o'clock, P. M.

AFTERNOON SESSION.

The Council met at 2 P. M. Mr. President in the chair.

Roll called—all present.

Mr. Corum, chairman of the Committee of the Whole, made the following report:

MR. PRESIDENT—The Committee of the Whole, to whom was referred C. B. No. 33, "An Act supplementary to an act concerning county treasurers," beg leave to report the same back, and recommend its passage, with the following amendments:

In section 1st, line 19, after the word "taxes," insert the following: "or secure the payments to the collector."

Also, in section 5, line 3, after the word "taxes," insert "upon real estate and other property where lien is had upon real estate."

The Committee, to whom was referred, also, C. B. No. 32, "An Act to amend an act concerning weights and measures," have instructed me to report the same back, and recommend its passage, without amendment.

I am also instructed by the Committee to report C. B. No. 31, "An Act concerning jurors," back to the Council, and recommend its passage, with the following amendments:

In section 2, line 2, after the word "the," and before the word "county," insert the words "clerks of the."

In section 8, line 1, after the word "person," and before the word "who," insert "of lawful age and."

All of which is respectfully submitted.

On motion of Mr. Rand, the report was adopted, and bills ordered engrossed for third reading.

Mr. Corum, chairman of the Committee on Engrossment, reported C. B. No. 36, entitled "An Act creating a board of special commissioners to build county buildings in Deer Lodge county," as correctly engrossed.

A communication from the Governor, through Mr. Cummings, his private secretary:

VIRGINIA CITY, Nov. 23, 1867.

MR. PRESIDENT—I am directed by the Governor to inform the Council that he has this day approved Council Bill No. 20, entitled "An Act amendatory to an act entitled an act regulating the holding of elections in the Territory of Montana."

Also, Council Bill No. 19, entitled "An Act to authorize the county commissioners of the several counties of the Territory of Montana to fund the debt of their respective counties."

Mr. Corum, chairman of the Committee on Towns and Counties, made the following report:

MR. PRESIDENT—Your Committee on Towns and Counties, to whom was referred Council Bill No. 38, report the same back, and recommend its passage.

On motion of Mr. Rand, the report was adopted, rules suspended, bill considered engrossed, and passed to third reading.

C. B. No. 38, entitled "An Act to authorize the county commissioners of Missoula county to raise a special tax for bridge purposes," was taken up, read a third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Orr, Rand, Watson, and Mr. President—7.

Title agreed to.

C. B. No. 36, "An Act creating a board of special commissioners to build county buildings in Deer Lodge county," was taken up, read third time, and passed by the following vote:

Ayes—Messrs. Cullen, Rand, Watson, and Mr. President—4.

Nays—Messrs. Corum, Davis, and Orr—3.

Title agreed to.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing—

That H. B. No. 19 had passed the House.

H. B. No. 19 was read first and second time, and referred to the Committee of the Whole.

The Council resolved itself into a Committee of the Whole. Mr. Watson in the chair.

The Committee arose.

The Council resumed its session. Mr. President in the chair.

Mr. Watson made the following report :

MR. PRESIDENT—The Committee of the Whole, to whom was referred C. B. No. 29, "An Act to amend an act entitled an act concerning lost goods and estrays," have had the same under consideration, and have instructed me to report the same back, with a recommendation that it do not pass.

On motion of Mr. Watson, the report was adopted, and the bill indefinitely postponed.

The Council again resolved itself into Committee of the Whole. Mr. Corum in the chair.

The Committee arose.

The Council resumed its session. Mr. President in the chair.

C. B. No. 32, entitled "An Act to amend an act concerning weights and measures," was taken up, read third time, and passed by the following vote :

Ayes—Messrs. Corum, Davis, Rand, Watson, and Mr. President—5.

Nay—Mr. Orr.

Title agreed to.

On motion of Mr. Rand, the Council adjourned until to-morrow morning at 10 o'clock.

TWENTIETH DAY.

NOVEMBER 23, 1867.

The Council met at 10 A. M. President Bagg in the chair.

Roll called—absent, Mr. Orr. ■

Journal of yesterday read and approved.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing—

That H. B. No. 15, entitled "An Act requiring the district clerks of the district courts to give bonds," had passed the House.

A communication from the Governor, through Mr. Cummings, his private Secretary :

EXECUTIVE OFFICE, TERRITORY OF MONTANA, }
VIRGINIA CITY, Nov. 22, 1867. }

Hon. C. S. Bagg, President of the Council :

SIR—The joint resolution to make an appropriation of fifty-five hundred dollars to pay for and complete the arsenal, now in process in this city, is before your body. I made a contract with Griffith & Thompson to build the arsenal for four thousand dollars in warrants, or two thousand dollars in greenbacks.

This is my personal obligation, and if the Legislature does not make the appropriation, I must and will pay it.

It requires fifteen hundred dollars more to complete the work by placing an armory over the magazine. The arms of the Territory cannot be taken care of without it. The small arms are now in an indifferent cabin, liable to rust and to be rendered useless. The artillery is out in the weather, and must be ruined before spring, unless housed.

The artillery could not be purchased for less than one thousand or twelve hundred dollars apiece. There are four of them to be taken care of.

The small arms are worth thirty-five dollars apiece, and there are twelve or fifteen hundred here—with some six hundred thousand rounds of ammunition. The Territory cannot afford to lose this valuable property, therefore I hope the Council will pass the resolution, as the debt must be paid December 1st, and the armory ought to be completed at once.

Most respectfully, your obedient servant,

GREEN CLAY SMITH.

There being no objections, the communication was referred to the Committee of Ways and Means.

Mr. Rand, from the Judiciary Committee, made the following report :

MR. PRESIDENT—Your Committee, the Judiciary, to whom was referred C. B. No. 27, "An Act to regulate proceedings and defining the jurisdiction of the probate courts of this Territory," report that they have had the same under consideration, and recommend that the bill pass, with the following amendments :

After the word "attorney," in line 2, strike out the balance of the section.

Section 13, last line, strike out "four," and insert "two."

Section 14, strike out "the same," in fifth line, and insert "and delivering a copy;" line 14, strike out "the same," and insert "and delivering a copy;" line 22, strike out "the same," and insert "and delivering a copy;" line 24, strike out "the same," and insert "and delivering a copy."

Section 37, line 7, strike out the word "double."

Section 55, line 1, after the word "pleadings," insert "may be amended."

Section 58, line 9, strike out "twelve," and insert "twenty-four."

On motion of Mr. Corum, the report was adopted, and the bill referred to Committee of the Whole.

Mr. Corum made the following report :

MR. PRESIDENT—Your Committee on Towns and Counties, to whom was referred Council Bill No. 37, "An Act to authorize the people of Gallatin county to locate the county seat of Gallatin county," report the same back to the Council, and recommend its passage, without amendments.

On motion of Mr. Corum, the bill was considered engrossed for a third reading.

Mr. Rand made the following report :

MR. PRESIDENT—Your Committee, the Judiciary, to whom was referred C. B. No. 35, "An Act to legalize the proceedings of the district courts of Montana Territory," report the same back, and recommend that the bill pass.

On motion of Mr. Cullen, the report was adopted, the rules suspended, bill considered engrossed, and passed to third reading.

H. B. No. 15, entitled "An Act requiring the district clerks of the district courts to give bonds," was read first and second time, and referred to Committee on Judiciary.

C. B. No. 37, entitled "An Act to authorize the people of Gallatin county to locate the county seat of Gallatin county," was taken up, read third time, and passed by the following vote :

Ayes—Messrs. Corum, Cullen, Davis, Orr, Rand, Watson, and Mr. President—7.

Nays—None.

Title agreed to.

H. B. No. 12, entitled "An Act conferring the rights of citizenship upon Joseph Kipp," was taken up, and, on motion of Mr. Rand, indefinitely postponed.

C. B. No. 35, entitled "An Act to legalize the proceedings of the district courts of Montana Territory," was taken up, read third time, and lost by the following vote :

Ayes—Messrs. Cullen and Rand—2.

Nays—Messrs. Corum, Davis, Orr, Watson, and Mr. President—5.

C. B. No. 14, entitled "An Act to invest certain religious, charitable and educational societies with certain powers of bodies corporate," was taken up, read third time, and lost by the following vote :

Ayes—Messrs. Corum and Cullen—2.

Nays—Messrs. Orr, Watson, and Mr. President—3.

Messrs. Rand and Davis excused.

C. B. No. 22, entitled "An Act creating the office of master in chancery," was taken up, and, on motion of Mr. Rand, indefinitely postponed by the following vote :

Ayes—Messrs. Corum, Cullen, Davis, Orr, and Rand—5.

Nays—Mr. Watson and Mr. President—2.

On motion of Mr. Rand, the Council took a recess until 2 p. m.

AFTERNOON SESSION.

The Council met at 2 o'clock, p. m. Mr. President in the chair.

Roll called—all present.

A communication from His Excellency the Governor, through Mr. Cummings, his private secretary :

EXECUTIVE OFFICE, TERRITORY OF MONTANA, }
VIRGINIA CITY, Nov. 23, 1867. }

Gentlemen of the Council:

In accordance with "An Act entitled an act to divide the county of Gallatin," and by which the county of Meagher was

reorganized, I have the honor to present the following nominations for the various offices of said county, as required by law :

For Probate Judge—A. J. Hunter.

For Clerk and Recorder—W. T. Richardson.

For Sheriff—Edward Lovelock.

For Treasurer—Frank H. Woodson.

For Assessor—J. F. McClintock.

For Commissioners—John Barnes, Wm. Davenport, and Henry Ramspeck.

To which I ask the advice and consent of the Council.

GREEN CLAY SMITH,

Governor of Montana.

Whereupon the Council went into executive session to consider the said appointments, which were duly confirmed.

Mr. Corum, chairman of Committee on Engrossment, reported C. B. No. 33 as correctly engrossed.

C. B. No. 33, entitled "An Act supplementary to an act concerning county treasurers," was read third time, and passed by the following vote :

Ayes—Messrs. Corum, Cullen, Rand, Watson, and Mr. President—5.

Nays—Messrs. Davis and Orr—2.

Title agreed to.

Mr. Watson made the following report :

MR. PRESIDENT—Your Committee of Ways and Means, to whom was referred H. J. R. No. 1, beg leave to report that they have had the same under consideration, and beg leave to report the same back, and recommend its passage.

On motion of Mr. Rand, the report was adopted, and the bill laid over until Monday.

The Council then resolved itself into a Committee of the Whole Mr. Cullen in the chair.

The Committee arose, and asked leave to sit again.

The Council resumed its session. Mr. President in the chair.

On motion of Mr. Rand, the Council adjourned until Monday morning, at 10 o'clock.

TWENTY-SECOND DAY.

NOVEMBER 25, 1867.

The Council met pursuant to adjournment.. President Bagg in the chair.

Roll called—all present.

Journal of Saturday read and approved.

Mr. Orr, chairman of the Committee on Printing, to whom was referred C. B. No. 28, entitled "An Act to provide for a system of common schools for the Territory of Montana," reported the same as correctly printed.

Mr. Corum, chairman of the Committee on Engrossment, to whom was referred C. B. No. 31, entitled "An Act concerning jurors," reported the same as correctly engrossed.

Mr. Davis gave notice that he would, on to-morrow or some subsequent day, introduce a bill entitled "An Act concerning foreign corporations."

Mr. Rand introduced C. B. No. 39, entitled "An Act concerning limitations."

Read first and second time, and referred to the Committee of the Whole.

H. J. R. No. 1 was taken up, and on motion of Mr. Rand, laid on the table until Thursday.

C. B. No. 31, entitled "An Act concerning jurors," was taken up, read third time, and passed by the following vote :

Ayes—Messrs. Corum, Orr, Rand, Watson, and Mr. President—5.

Nay—Mr. Davis.

Absent—Mr. Cullen.

Title agreed to.

The Council then resolved itself into a Committee of the Whole upon C. B. No. 39. Mr. Corum in the chair.

Mr. President in the chair.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing that—

C. B. No. 21, entitled "An Act defining the duties of Territorial Auditor and Territorial Treasurer," had passed the House with the following amendment:

In section 13, strike out all of the section after the word "him." in the third line.

Mr. Corum resumed the chair.

The Committee arose.

The Council resumed its session. Mr. President in the chair.

On motion of Mr. Cullen, the Council took a recess until 2 P. M.

AFTERNOON SESSION.

The Council met at 2 o'clock, P. M. Mr. President in the chair.

Roll called—all present.

Mr. Davis gave the following notice:

MR. PRESIDENT—On to-morrow, or some subsequent day of the session, I will introduce a bill for "An Act in relation to continuances in civil and criminal causes."

Mr. Davis introduced C. B. No. 40, entitled "An Act concerning foreign corporations."

Read first and second time, and referred to Committee of the Whole.

Mr. Davis introduced C. B. No. 41, entitled "An Act in relation to continuances in civil and criminal causes."

Read first and second time, and referred to the Committee of the Whole.

Mr. Corum made the following report:

MR. PRESIDENT—The Committee of the Whole, to whom was referred Council Bill No. 39, "An Act to amend an act concerning limitations," have had the same under consideration, and instruct me to report that all of said bill excepting the enacting clause be stricken out.

On motion of Mr. Watson, the report was adopted by the following vote:

Ayes—Messrs. Corum, Davis, Watson, and Mr. President—4.

Nays—Messrs. Cullen, Orr, and Rand—3.

On motion of Mr. Watson, the bill was indefinitely postponed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Watson, and Mr. President—5.

Nays—Messrs. Orr and Rand—2.

Mr. Corum offered the following resolution:

Resolved, That the President of the Council appoint two of its members to confer with a Committee of three from the House of the Legislative Assembly, whose duty it shall be to inquire into the following facts, if they exist:

First—Upon what ground and by what authority has an arsenal been contracted to be built.

Second—Whether by the General Government or any commander of any military division.

Third—Whether the money expended or proposed to be expended, is upon property belonging to the Territory or the

Federal Government, and all such other facts touching the late military expedition in this Territory, wherein the Territory is involved, as they shall deem expedient in the premises, and report the same to their respective Houses.

The resolution was lost.

On motion of Mr. Orr, the vote by which the resolution was lost, was reconsidered.

The question then being upon the adoption of the resolution, it was adopted, and the President appointed Messrs. Corum and Cullen as such Committee from the Council.

On motion of Mr. Rand, the Council adjourned until to-morrow morning at 10 o'clock.

TWENTY-THIRD DAY.

NOVEMBER 26, 1867.

The Council met at 10 o'clock, A. M. President Bagg in the chair.

Roll called—absent, Mr. Orr.

Journal of yesterday read and approved.

On leave, Mr. Davis introduced C. B. No. 42, entitled "An Act to amend an act to incorporate the city of Nevada."

Read first and second time, and referred to the Committee on Incorporations.

On leave, Mr. President introduced C. B. No. 43, entitled "An Act relating to fires and the protection of timbers and grasses."

Read first and second time, and referred to Committee of the Whole.

C. B. No. 21, entitled "An Act defining the duties of Territorial Auditor and Territorial Treasurer of the Territory of Montana," was taken up, and the amendments of the House read, when, on motion of Mr. Rand, the bill was laid on the table until Saturday.

The Council resolved itself into Committee of the Whole. Mr. Cullen in the chair.

Mr. President in the chair.

A communication from the House, through Mr. Shields, Assistant Clerk, as follows :

Bills introduced—

By Mr. Comly, H. B. No. 28, "An Act to amend an act entitled an act concerning crimes and punishments."

By Mr. Edwards, H. B. No. 29, "An Act relating to the discovery and possessory right of all placer mines."

By Mr. Rhodes, H. B. No. 30, "An Act regulating the fees of officers, jurors and witnesses, and repealing an act entitled an act regulating the fees of officers, jurors and witnesses."

Mr. Comly gave notice that on to-morrow, or some subsequent day, he would introduce a Joint Memorial to Congress, "Asking for the establishment of a Branch Mint in Montana Territory."

Mr. Cullen resumed the chair.

Mr. President in the chair.

A communication from the House, through Mr. Barrett, Chief Clerk, as follows :

C. B. No. 26, "An Act relative to attorneys-at-law," has been indefinitely postponed, and that C. B. No. 37 had passed the House.

Mr. Cullen resumed the chair.

The Committee arose.

The Council resumed its session. Mr. President in the chair.

On motion of Mr. Rand, the Council took a recess until 2 o'clock, P. M.

AFTERNOON SESSION.

The Council met at 2 P. M. Mr. President in the chair.

Roll called—all present.

The Council resolved itself into a Committee of the Whole. Mr. Cullen in the chair.

Mr. President in the chair.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing that—

H. B. No. 28, entitled "An Act to amend an act entitled an act concerning crimes and punishments," had passed the House.

Also, that H. B. No. 22, entitled "An Act to re-enact an act entitled an act to authorize Robert Tingly and John Kennedy and their associates, to construct a wagon road around the falls of the Missouri river," had passed the House.

Also, that C. B. No. 31, entitled "An Act concerning jurors," had passed the House.

Mr Cullen resumed the chair.

The Committee arose.

The Council resumed its session. Mr. President in the chair.

On leave, Mr. Orr introduced C. B. No. 44, entitled "An Act for the relief of E. Lovelock and W. K. Roberts."

Read first and second time, and laid on the table by the following vote :

Ayes—Messrs. Corum, Cullen, Rand, and Mr. President—4.

Nays—Messrs. Davis, Orr, and Watson—3.

On motion of Mr. Corum, the Council adjourned until to-morrow morning, at 10 o'clock.

TWENTY-FOURTH DAY.

NOVEMBER 27, 1867.

The Council met at 10 A. M. President Bagg in the chair.

Roll called—all present.

Journal of yesterday read and approved.

Mr. Rand offered the following Joint Resolution :

Resolved, By the Council and House Assembly of the Montana Legislature, that the sum of twenty-five dollars is hereby appropriated out of any money in the territorial treasury, not otherwise appropriated, in payment of the arsenal lot, and the expense incurred in making the deed thereof, and the Territorial Auditor is hereby authorized to issue his warrant on the Treasurer in favor of His Excellency Green Clay Smith, for the same.

On motion of Mr. Orr, the resolution was laid on the table by the following vote :

Ayes—Messrs. Cullen, Davis, Orr, Watson, and Mr. President—5.

Nays—Messrs. Corum and Rand—2.

On motion of Mr. Rand, the vote by which H. J. R. No. 1 was laid on the table until Thursday, was reconsidered, and the bill taken from the table.

Mr. Corum, chairman of the Special Committee, to whom was assigned the duty of inquiring into certain matters in relation to H. J. R. No. 1, made the following report :

MR. PRESIDENT—Your Special Committee who were appointed to confer with a committee of three from the House, on H. J. R. No. 1, beg leave to make the following report :

To all of said resolution relating to the arsenal contracted to be built by His Excellency Green Clay Smith, your Committee, after diligent examination into the matter, have come to the conclusion that said arsenal was contracted to be built without any authority given him, either by the General Government or the commander of any military division embracing the Territory of Montana ; but that it was contracted by His Excellency with a view of preserving the government property entrusted to our care, and that said building is now about completed and in every respect suitable for the purpose for which it was erected.

And your Committee would further report, that the title to the property above alluded to is legally vested in the Governor, as will be shown by the documents accompanying this report, and which is vested in the Territory by a deed from His Excellency, accompanying this report.

All of which is respectfully submitted.

On motion of Mr. Corum, the resolution was adopted by the following vote :

Ayes—Messrs. Corum, Davis, Orr, and Watson—4.

Nays—Messrs. Cullen, Rand, and Mr. President—3.

H. B. No. 28, entitled “ An Act to amend an act entitled an act concerning crimes and punishments,” was taken up, read first and second time, and referred to the Committee on Judiciary.

H. B. No. 22, entitled “ An Act to re-enact an act entitled an act to authorize Robert Tingley and John Kennedy and their associates, to construct a wagon road around the falls of the Missouri river,” was taken up and read first time.

Mr. Rand objected to second reading.

The question now being, “ Shall this bill be rejected ? ” it was decided in the negative by the following vote :

Ayes—Messrs. Orr, Rand, and Watson—3.

Nays—Messrs. Corum, Cullen, Davis, and Mr. President—4.

The bill was then read a second time, and referred to the Committee on Incorporations.

The Council then resolved itself into a Committee of the Whole. Mr. Cullen, chairman.

The Committee arose.

The Council resumed its session. Mr. President in the chair.

Mr. Cullen was given further time to report, as chairman of the Committee of the Whole.

The Council then resolved itself into a Committee of the Whole. Mr. Corum, chairman.

The Committee arose, and asked leave to sit again.

The Council resumed its session. Mr. President in the chair.

On motion of Mr. Rand, the Council took a recess until 2 o'clock, P. M.

AFTERNOON SESSION.

The Council met at 2 P M. Mr. President in the chair.

Roll called—all present.

Mr. Davis, chairman of the Committee on Education, to whom was referred C. B. No. 28, made the following report:

MR. PRESIDENT—Your Committee on Education, to whom was referred Council Bill No. 28, "An Act to provide for a system of common schools for the Territory of Montana," having had the same under consideration, beg leave to report the same back to the Council, and recommend that the same do pass.

On motion of Mr. Corum, the report was received, and on motion by Mr. Davis, to adopt, the report was lost by the following vote :

Aye—Mr. Davis.

Nays—Messrs. Corum, Cullen, Orr, Rand, Watson, and Mr. President—6.

On motion of Mr. Rand, the bill was indefinitely postponed by the following vote :

Ayes—Messrs. Cullen, Rand, Watson, and Mr. President—4.

Nays—Messrs. Corum, Davis, and Orr—3.

Mr. President, on leave, introduced C. B. No. 45, entitled "An Act to amend an act entitled an act to establish a common school system for the Territory of Montana."

Read the first and second time, ordered printed, and referred to Committee on Education.

Mr. Watson, chairman of Committee on Mines and Minerals, made the following report :

MR. PRESIDENT—Your Committee on Mines and Minerals, to whom was referred C. B. No. 5, entitled, "An Act to amend an act entitled an act relative to the discovery of gold and silver quartz leads, lodes or ledges, and the manner of their location," beg leave to report the same back, with the following amendment :

In section 2, line 4, after the word "officer" in same line, insert as follows, "authorized to administer oaths."

And recommend its passage.

On motion of Mr. Corum, the report was adopted, and ordered engrossed for third reading by the following vote :

Ayes—Messrs. Corum, Rand, Watson, and Mr. President—4.

Nays—Messrs. Davis and Orr—2.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing that—

H. B. No. 24, entitled "An Act to amend an act entitled an act securing liens to mechanics and others, approved December 3rd, 1864," had passed the House.

Mr. Cullen, from the Enrollment Committee, reported C. B. No. 31 and C. B. No. 37 as correctly enrolled.

Mr. Orr, from the Committee on Printing, reported C. B. No. 18 as correctly printed.

H. B. No. 24 was read first and second time, and referred to Committee on Agriculture.

C. B. No. 18 was ordered engrossed for third reading.

The Council then resolved itself into Committee of the Whole. Mr. Corum in the chair.

The Council resumed its session. Mr. President in the chair.

Mr. Cullen, chairman of Enrollment Committee, reported he had delivered to the Governor, C. B. No. 31, "An Act concerning jurors," and C. B. No. 37, "An Act to authorize the people of Gallatin county to locate the seat of Gallatin county," at 2 P. M., November 27, 1867.

On motion of Mr. Davis, the Council adjourned until Friday morning, at 10 o'clock.

TWENTY-SIXTH DAY.

NOVEMBER 29, 1867.

The Council met at 10 A. M. President Bagg in the chair.

Roll called—absent, Mr. Orr.

Journal of Wednesday read and approved.

Mr. Corum, chairman of the Committee on Engrossment, to whom was referred C. B. No. 5, entitled "An Act to amend an act entitled an act relating to the discovery of gold and silver quartz lodes or ledges, and the manner of their location," report the same back as correctly engrossed.

Mr. Cullen, chairman of the Committee on Incorporations, to whom was referred H. B. No. 22, made the following report:

MR. PRESIDENT—A minority of your Committee on Incorporations, to whom was referred H. B. No. 22, entitled "An Act to re-enact an act entitled an act to authorize Robert Tingley and John Kennedy and their associates to construct a wagon road around the Falls of the Missouri river," beg leave to report that they have had the same under consideration, and would respectfully recommend its passage.

Messrs. Rand and Orr, from the same Committee, made the following report:

MR. PRESIDENT—Your Committee on Incorporations, to whom was referred House Bill No. 22, being "An Act to re-enact an act authorizing Robert Tingley, John Kennedy and their associates to construct a wagon road around the Falls of the Missouri

river," report that the majority of your Committee have had said bill under consideration, and find that the act which this bill is intended to re-enact, was passed by a former Legislature of this Territory, and was one of the laws annulled by act of Congress, March 2nd, 1867.

Now, by the passage of this act, it would not revive the former act, or confer any additional right or privilege upon the parties holding under the same; and Congress having prohibited the Legislative Assembly from granting private franchises, they recommend that this bill do not pass.

On motion of Mr. Corum, the minority report was adopted.

On motion of Mr. Cullen, the majority report was laid upon the table.

Mr. Corum, chairman of the Committee of the Whole, made the following report:

MR. PRESIDENT—The Committee of the Whole, to whom was referred Council Bill No. 41, "An Act in relation to continuances in civil and criminal causes," after duly considering the same, have instructed me to report the same back to the Council, and recommend its passage, without amendments.

I am also instructed to report Council Bill No. 43, "An Act relating to fires and the protection of timber and grasses," and recommend its passage, without amendments.

All of which is respectfully submitted.

On motion of Mr. Orr, the report was received and adopted.

C. B. No. 5, entitled "An Act to amend an act entitled an act relating to the discovery of gold and silver quartz lodes or ledges, and the manner of their location," was taken up, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Rand, Watson, and Mr. President—5.

Nays—Messrs. Davis, and Orr—2.

Title agreed to.

Mr. Orr introduced C. J. M. No. 1, "To the Congress of the United States, praying for the appointment of a convention of the citizens of Montana Territory to adopt a State Constitution, preparatory to her admission into the Union."

Read first and second time, and referred to Committee on Federal Relations.

A communication from the House, through Mr. Shields, Assistant Clerk :

Mr. Weston gave notice that he would introduce "An Act to re-enact an act entitled an act to incorporate the Gold Hill Tunneling and Mining Company."

Mr. Patton gave notice that he would introduce "An Act to re-enact an act entitled an act to incorporate the Black Tail Deer and Helena Wagon Road Company, passed at the second Legislature of Montana Territory."

Mr. Tennant introduced H. B. No. 32, entitled "An Act to re-enact an act entitled an act to authorize Thomas A. Holmes and Luther M. Brown and their associates, heirs and assigns, to establish a ferry across the Missouri river."

Also, that C. B. No. 34, entitled "An Act to establish the boundary lines of Jefferson county," had passed the House.

The Council resolved itself into a Committee of the Whole. Mr. Cullen in the chair.

Mr. President in the chair.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing that C. B. No. 38, entitled "An Act to authorize the county commissioners of Missoula county to raise a special tax for bridge purposes," had passed the House.

Mr. Cullen in the chair.

The Committee arose.

The Council resumed its session. Mr. President in the chair.

On motion of Mr. Orr, C. B. No. 43 was considered as engrossed, and passed to third reading.

On motion of Mr. Corum, H. B. No. 22 was considered as engrossed, and passed to third reading.

H. B. No. 22, entitled "An Act to re-enact an act entitled an act to authorize Robert Tingley and John Kennedy and their associates to construct a wagon road around the Falls of the Missouri river," was taken up, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, and Mr. President—4.

Nays—Messrs. Orr, Rand, and Watson—3.

Title agreed to.

C. B. No. 43, entitled "An Act relating to fires and the protection of timber and grasses," was taken up, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Orr, Rand, and Mr. President—5.

Nays—Messrs. Davis, and Watson—2.

Title agreed to.

C. B. No. 41, entitled "An Act in relation to continuances in civil and criminal causes," was taken up.

On motion of Mr. Corum, the rules were suspended, bill considered engrossed, read third time, and lost by the following vote:

Ayes—Messrs. Corum, Davis, and Orr—3.

Nays—Messrs. Cullen, Rand, Watson, and Mr. President—4.

On motion of Mr. Rand, the Council took a recess until 2 P. M.

AFTERNOON SESSION.

The Council met at 2 P. M. Mr. President in the chair.

Roll called—all present.

Mr. Corum, chairman of the Committee on Federal Relations, made the following report:

MR. PRESIDENT—Your Committee on Federal Relations, to whom was referred Council Joint Memorial No. 1, beg leave to report the same back, and earnestly beg that it do pass.

On motion of Mr. Watson, the report was adopted, and made the special order for Monday evening, at 7 o'clock.

Mr. Cullen, chairman of the Committee of the Whole, to whom was referred C. B. No. 27, entitled "An Act to regulate the proceedings and define the jurisdiction of the probate courts of this Territory," made the following verbal report:

In section 2, line 4, strike out "possession," and insert "foreclosure."

Strike out balance of the line after the word "dollars," in fifth line, and also all of lines 6 and 7.

In section 3, line 2, after the word "exceeding," strike out "twenty days," and insert "one year."

In section 5, line 3, after the word "file," and before the word "same," insert "the."

In section 6, line 2, strike out "quarter," and insert "or greater."

In section 7, strike out the balance of the section after the word "attorney," in first line.

In section 8, after the word "as," in first line, strike out the balance of the section, and insert, in lieu thereof, the words "now provided by law."

In section 14, line 3, after the word "reading," insert "and delivery of a copy."

In same section, line 6, after the word "reading," strike out "the same," and insert "and delivering a copy."

In same section, line 8, after the word "person," insert "with some white person 16 years of age or upwards."

In same section, line 10, after the word "reading," strike out "the same," and insert "delivering a copy."

In same section, line 11, after the word "reading," strike out "the same," and insert "and delivering a copy."

Add at the end of the section these words, "with some white person 16 years of age or upwards."

In section 25, line 1, after the word "writ," insert "of attachment."

In section 29, line 2, after the word "claimed," insert "stating the actual value thereof and."

In same section, last line, strike out "and of the actual value of the property."

In section 30, second line, after the word "defendant," strike out "and," and insert "to."

In section 39, strike out all after the word "attorney," in the first line.

In section 40, line 2, after the word "court," strike out "when in writing that," and insert "the pleading so verified."

In same section and line, after the word "in," and before the word "office," strike out "his," and insert "the."

In same section and line, after the word "office" and before the word "and," insert "of the probate court."

In section 43, line 2, strike out the word "rendered," and insert "numbered."

In section 45, strike out "answered," and insert "amended."

In section 55, line 4, after the word "pleadings," insert "may be amended."

Strike out the whole of section 56.

In section 57, line 10, after the word "of," strike out "this," and insert "the preceding."

In section 58, line 4, after the word "exceed," strike out "twelve" and insert "twenty-four."

In section 59, line 14, after the word "other," insert "person."

In section 69, line one, after the word "of," strike out "giving" and insert "joining."

In section 65, after the word "six" in the third line, strike out the balance of the section.

In section 67, line one, strike out "either party may challenge peremptorily one-half of the jury," and insert, in lieu thereof, "each party may have four peremptory challenges."

In same section, last word, strike out "judges," and insert "judge."

In section 69, line 2, after the word "when," strike out "a copy of the" and insert "any."

In same section, in third and fourth line, strike out "without further evidence."

Add at the end of the section, "proved satisfactorily to the court."

In section 71, line three, after the word "entered," insert the word "with."

In section 84, line 15, after the word "judge," insert "or (clerk if there be one)."

In section 94, line 3, after the word "by" and before the word "disinterested," insert the word "three."

In same section and line, strike out the words "or jury."

Strike out the whole of section 96.

In section 101, line two, strike out "or court before issuing summons," and insert "before trial, except such persons as shall, by evidence satisfactory to the mind of the court, show he is too poor to give security."

Strike out the whole of section 102.

Strike out the whole of section 104.

Add section 105, "all acts and parts of acts inconsistent with this act are hereby repealed."

On motion of Mr. Rand, the report was adopted, and bill ordered engrossed for a third reading.

A communication from the Governor, through Mr. Cummings, his private secretary :

MR. PRESIDENT—I am instructed by the Governor to inform

the Council that he has approved C. B. No. 37, "An Act to authorize the people of Gallatin to locate the county seat of Gallatin county." Also, C. B. No. 31, "An Act concerning jurors."

Mr. Cullen, on leave, introduced C. B. No. 46, entitled "An Act repealing sections nine and ten of an act concerning limitations." Read first and second time, and referred to Committee on Judiciary.

Mr. Cullen, chairman of the Committee on Incorporations, to whom was referred C. B. No. 42, entitled "An Act to amend an act entitled an act to incorporate the city of Nevada, approved Feb. 9, 1865," made the following report:

MR. PRESIDENT—A minority of your Committee on Incorporations, to whom was referred C. B. No. 42, would respectfully report that they have had the same under consideration, and recommend its passage.

A motion by Mr. Davis, that the rules be suspended, bill considered engrossed and passed to third reading, was lost by the following vote:

Ayes—Messrs. Corum, Cullen, and Davis—3.

Nays—Messrs. Orr, Rand, Watson, and Mr. President—4.

On motion of Mr. Davis the bill was referred to the Committee of the Whole.

The Council then resolved itself into a Committee of the Whole. Mr. Davis, chairman.

The Committee arose.

The Council resumed its session. Mr. President in the chair.

Mr. Cullen, chairman of Committee on Enrollment, reported C. B. No. 38, entitled "An Act to authorize the county commissioners of Missoula county to raise a special tax for bridge purposes."

Also, C. B. No. 32, entitled "An Act to amend an act concerning weights and measures."

Also, C. B. No. 34, entitled "An Act to establish the boundary lines of Jefferson county," as correctly enrolled.

Mr. Davis, chairman of Committee of the Whole, to whom was referred C. B. No. 42, made the following report:

MR. PRESIDENT—Your Committee of the Whole, to whom was referred "An Act to amend an act entitled an act to incorporate the city of Nevada, approved February 9, 1865," have had the same under consideration, and instruct me to report the same back to the Council and recommend its passage.

C. B. No. 42, entitled "An Act to amend an act to incorporate the city of Nevada, approved Feb. 9, 1865," was then taken up, read a third time, and passed by the following vote:

Ayes—Messrs. Corum, Davis, Orr, Rand, Watson, and Mr. President—6.

Absent—Mr. Cullen.

Title agreed to.

Mr. Cullen, chairman of the Committee on Enrollment, reported that he had presented C. B. Nos. 32, 34 and 38 to the Governor, at 3 p. m., Nov. 29, 1867.

On motion of Mr. Watson, the Council adjourned until tomorrow morning at 10 o'clock.

TWENTY-SEVENTH DAY.

NOVEMBER 30, 1867.

The Council met at 10 A. M. President Bagg in the chair.

Roll called—all present.

Journal of yesterday read and approved.

Mr. Rand, chairman of the Committee on Judiciary, made the following report :

MR. PRESIDENT—Your Committee, the Judiciary, to whom was referred Council Bill No. 46, "An Act to repeal sections nine and ten of an act entitled an act concerning limitations," report that they have had the said bill under consideration, and a majority of your Committee recommend that the bill pass.

On motion of Mr. Cullen, the report was received and adopted.

Mr. Rand, chairman of the Judiciary Committee, made the following report:

MR. PRESIDENT—Your Committee, the Judiciary, to whom was referred House Bill No. 28, "An Act to amend an act entitled an act concerning crimes and punishments," report the same to the Council, and recommend that the bill pass.

On motion of Mr. Orr, the report was received and adopted.

Also, the further following report :

MR. PRESIDENT—Your Committee, the Judiciary, to whom was referred House Bill No. 15, "An Act requiring the clerks of

district courts to give bonds," beg leave to report the same to the Council, with the recommendation that it do pass.

On motion of Mr. Davis, the report was received and adopted.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing—

That H. B. No. 16, entitled "An Act to re-enact an act entitled an act to incorporate the Great Beaver Head Wagon Road Company," had passed the House.

Also, that C. B. No. 42, entitled "An Act to amend an act entitled an act to incorporate the city of Nevada, approved Feb. 9, 1865," had passed the House.

Also, that C. B. No. 3, entitled "An Act to provide for the funding of the debt of Montana Territory," had passed the House with amendments.

Also, that H. B. No. 32, entitled "An Act to authorize Thomas A. Holmes and Luther M. Brown and their associates, heirs and assigns, to establish a ferry across the Missouri river between the counties of Edgerton and Meagher," had passed the House.

Also, that H. B. No. 35, entitled "An Act to amend an act concerning crimes and punishments," had passed the House.

H. B. No. 16, entitled "An Act to re-enact an act entitled an act to incorporate the Great Beaver Head Wagon Road Company," was read first and second time, and referred to the Committee on Incorporations.

Mr. Rand, chairman of the Committee on the Judiciary, made the following report:

MR. PRESIDENT—Your Committee, the Judiciary, to whom was referred Council Bill No. 30, "An Act to amend an act entitled an act to provide in certain cases, compensation to officers in this Territory, approved January 24, 1865," would ask further time to report.

Mr. Rand gave the following notice :

MR. PRESIDENT—On some future day, I will introduce "A Bill defining the Council and Representative districts of the Territory of Montana, and apportioning the members of the Legislative Assembly."

H. B. No. 32, entitled "An Act to authorize Thomas A. Holmes and Luther M. Brown, and their associates, heirs and assigns, to establish a ferry across the Missouri river between the counties of Edgerton and Meagher," was read first and second time, and referred to Committee on Incorporations.

H. B. No. 35, entitled "An Act to amend an act concerning crimes and punishments," was taken up, read first and second time, and referred to Committee on Judiciary.

Mr. Orr, chairman of the Committee on Printing, reported C. B. No. 40, entitled "An Act concerning foreign corporations," and,

Also, C. B. No. 45, entitled "An Act to amend an act entitled an act to establish a common school system for the Territory of Montana, approved Feb. 7, 1867," as correctly printed.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing—

That H. B. No. 36, "entitled "An Act to re-enact an act to authorize Constant Guyott, his heirs and assigns, to construct and maintain a toll road from the Little Blackfoot river to the Ten Mile and Helena road," had passed the House.

Also, that H. B. No. 37, entitled "An Act to re-enact an act entitled an act to incorporate the Gold Hill Mining and Tunneling Company of Montana, approved April 2, 1866," had passed the House.

C. B. No. 3, entitled "An Act to provide for the funding of the debt of Montana Territory," was taken up, and the amendments of the House read in their order.

The ayes and nays were called upon the motion to adopt the amendment to section 8, which resulted as follows:

Ayes—Messrs. Corum, Cullen, Rand, Watson, and Mr. President—5.

Nays—Messrs. Davis and Orr—2.

The amendments of the House were concurred in, and the clerk instructed to inform the House of Representatives.

H. B. No. 7, entitled "An Act to amend an act to locate the seat of government of Montana Territory," was taken up, and,

On motion of Mr. Orr, was made the special order for 3 o'clock this afternoon.

C. B. No. 41, entitled "An Act in relation to continuances in civil and criminal causes," was taken up, the amendments of the House read, and not concurred in by the following vote:

Ayes—Messrs. Corum, Davis, and Rand—3.

Nays—Messrs. Cullen, Orr, Watson, and Mr. President—4.

The Council resolved itself into a Committee of the Whole. Mr. Corum in the chair.

The Committee arose.

The Council resumed its session. Mr. President in the chair.

On motion of Mr. Rand, the Council took a recess until 2 P. M.

AFTERNOON SESSION.

The Council met at 2 P. M. Mr. President in the chair.

Roll called—all present.

Mr. Corum, chairman of the Committee of the Whole, to whom was referred C. B. No. 40, made the following report:

MR. PRESIDENT—The Committee of the Whole, to whom was referred Council Bill No. 40, "An Act concerning foreign corporations," have instructed me to report the same back and recommend its passage, with the following amendments :

In section one, line 12, after the word "Territory," and before the word "the," insert "and also in the office of the recorder of the county in which they are carrying on business;" and at the end of said section add the following: "and said foreign corporators shall remunerate the secretary and recorder for the record of the same, and said charter so recorded shall be recognized in the courts of this Territory as their foreign act of corporation."

I am also instructed to report and recommend that the remaining sections of said bill (except sections five and eight) be stricken out.

Mr. Rand offered the following amendments to C. B. No. 40, entitled "An Act concerning foreign corporations."

Section five, line two, after the word "period" in the second (printed) line, strike out the word "mentioned," in the preceding section, and insert "of thirty days." Third printed line, after the word "Territory," insert the words "and county recorder's office of the county wherein such business may be carried on."

After the word "Territory," in the sixth printed line, insert the words "and county recorder as heretofore provided."

On motion of Mr. Cullen, the amendments were adopted, and the bill ordered engrossed for third reading.

Mr. Cullen, of the Committee on Incorporations, made the following report :

MR. PRESIDENT—A minority of your Committee on Incorporations, to whom was referred H. B. Nos. 16, and 32, respectfully report that they have had the said bills under consideration, and that the passage of said bills is recommended.

On motion of Mr. Rand, the report was laid on the table until Monday.

On motion of Mr. Cullen, the vote by which the Council did not concur in the House amendments to C. B. No 21, was reconsidered.

On motion of Mr. Rand, the amendments were concurred in by the following vote :

Ayes—Messrs. Cullen, Corum, Davis, Rand, Orr, and Mr. President—6.

Nay—Mr. Watson.

H. B. No. 37, entitled "An Act to re-enact an act to incorporate the Gold Hill Mining Company of Montana Territory," was taken up, read first and second time, and referred to a Special Committee, consisting of Messrs. Cullen, Davis and Watson.

H. B. No. 36, entitled "An Act to re-enact an act authorizing Constant Guyott, his heirs and assigns, to construct and maintain a toll road from the Little Blackfoot river to the Ten Mile and Helena road," was taken up, read first and second time, and referred to a Special Committee, consisting of Messrs. Cullen, Davis, and Watson.

H. B. No. 28, entitled "An Act concerning crimes and punishments," was taken up, rules suspended, bill considered as engrossed, read third time, and passed by the following vote :

Ayes—Messrs. Corum, Davis, Orr, Rand, and Mr. President—5.

Nays—Messrs. Cullen and Watson—2.

Title agreed to.

C. B. No. 46, entitled "An Act to repeal sections 9 and 10 of an act concerning limitations," was taken up, read third time, and passed by the following vote :

Ayes—Messrs. Corum, Cullen, Orr, and Rand—4.

Nays—Messrs. Davis, Watson, and Mr. President—3.

The title agreed to.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing—

That C. B. No. 43, entitled "An Act relating to fires, and the protection of timber and grasses," had passed the House, with amendments.

H. B. No. 15, entitled "An Act requiring the district clerks of the district courts to give bonds," was taken up, rules suspended, bill considered engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Orr, Rand, Watson, and Mr. President—7.

Title agreed to.

The time having arrived for which H. B. No. 7, entitled "An Act to amend an act to locate the seat of government of the Territory of Montana," was made the special order—

The Council proceeded to reconsider said bill.

Mr. Corum in the chair.

On motion of Mr. Rand, the Council proceeded to reconsider said bill by the following vote:

Ayes—Messrs. Corum, Cullen, Rand, and Mr. President—4.

Nays—Messrs. Davis, Orr, and Watson.

The question being, "Shall this bill pass, the Governor's objections notwithstanding?"

On motion of Mr. Rand, the bill was laid over and made the special order for Tuesday evening at 7 P. M., by the following vote:

Ayes—Messrs. Corum, Cullen, Orr, Rand, Watson, and Mr. President—6.

Nay—Mr. Davis.

On motion of Mr. Orr, the Council adjourned until Monday, at 10 o'clock, A. M.

TWENTY-NINTH DAY.

DECEMBER 2, 1867.

The Council met at 10 o'clock, A. M. President Bagg in the chair.

Roll called—all present.

Journal of Saturday read and approved.

Messrs. Rand and Orr, from the Committee on Incorporations, made the following report :

MR. PRESIDENT—Your Committee on Corporations, to whom was referred H. B. No. 16, "An Act to re-enact an act to incorporate the great Beaver Head Wagon Road Company, passed at the second session of the Montana Legislature," beg leave to report that they have had said bill under consideration, and are of the opinion that the legislature is prohibited from granting such franchises; therefore recommend that the bill do not pass.

And also, the following :

MR. PRESIDENT—Your Committee on Corporations, to whom was referred H. B. No. 32, "An Act to re-enact an act to authorize Thomas A. Holmes and Luther M. Brown, and their associates, heirs and assigns, to establish a ferry across the Missouri river, between the counties of Edgerton and Meagher," report that they have had said bill under consideration, and recommend that it do not pass.

On motion of Mr. Corum, the reports were laid on the table.

Mr. Rand, chairman of the Committee on Judiciary, made the following report :

MR. PRESIDENT—Your Committee, the Judiciary, to whom was referred H. B. No. 35, "An Act to amend an act concerning crimes and punishments," beg leave to report that they have had said bill under consideration, and recommend that the same do pass, with the following amendments :

Section 1, line 7, strike out the word "two," and insert "one."
That the sections of the bill be numbered 1, 2, 3, 4, and 5.

On motion of Mr. Corum, the report was adopted.

Mr. Cullen gave the following notice :

MR. PRESIDENT—By leave of the Council, I will, on to-morrow or some subsequent day, introduce a bill, entitled "An Act relative to the pre-emption of town sites upon the public lands, and the disposal of the trusts created thereby."

Mr. Rand introduced C. B. No. 47, entitled "An Act defining the Council and Representative districts of the Territory of Montana, and apportioning the members of the Legislative Assembly."

Read first and second time, and referred to a Special Committee, consisting of Messrs. Orr, Corum and Watson.

H. B. No. 16, entitled "An Act to re-enact an act entitled an act to incorporate the Great Beaver Head Wagon Road Company," was taken up, and made the special order for Saturday.

H. B. No. 32, entitled "An Act to authorize Thomas A. Holmes, and Luther M. Brown, and their associates, heirs and assigns, to establish a ferry across the Missouri river, between the counties of Edgerton and Meagher," was taken up, and, on motion of Mr. Davis, the rules suspended, bill considered as engrossed, read third time, and passed by the following vote :

Ayes—Messrs. Corum, Cullen, Davis, and Mr. President—4.

Nays—Messrs. Orr, Rand, and Watson—3.

Title agreed to.

Mr. Cullen made the following report :

MR. PRESIDENT—Your Special Committee, to whom was referred H. B. No. 36, entitled "An Act to re-enact an act to authorize Constant Guyott, his heirs and assigns, to construct and maintain a toll road from the Little Blackfoot river to the Ten Mile and Helena road," beg leave to report that they have had the same under consideration, and would respectfully recommend its passage.

On motion of Mr. Davis, the report was adopted, the rules suspended, bill considered engrossed, read third time, and passed by the following vote :

Ayes—Messrs. Corum, Cullen, Davis, and Mr. President—4.

Nays—Messrs. Orr, Rand, and Watson—3.

Title agreed to.

Mr. Davis, chairman of the Committee on Education, made the following report :

MR. PRESIDENT—Your Committee on Education have had under consideration C. B. No. 45, "An Act to amend an act entitled an act to establish a common school system for the Territory of Montana," beg leave to report the same back to the Council, and recommend its passage, with the following suggestion :

That there ought to be some penalty imposed on the Clerk for not reporting fines imposed, as is made his duty by law.

On motion of Mr. Rand, the report was adopted.

A motion by Mr. Orr, that the bill be made the special order for Wednesday evening, at 7 o'clock, was lost by the following vote :

Ayes—Messrs. Cullen, Orr, and Watson—3.

Nays—Messrs. Corum, Davis, Rand, and Mr. President—4.

The Council then resolved itself into a Committee of the Whole to consider said bill. Mr. Weston in the chair.

The Committee arose.

The Council resumed its session. Mr. President in the chair.

The chairman of Committee given further time to report.

On motion of Mr. Rand, the Council took a recess until 2 o'clock, P. M.

AFTERNOON SESSION.

The Council met at 2 o'clock, P. M. Mr. President in the chair.

Roll called—all present.

Mr. Corum, chairman of the Committee on Engrossment, reported C. B. No. 40, entitled "An Act concerning foreign corporations," as correctly engrossed.

Mr. Rand, chairman of the Committee on Judiciary, made the following report:

MR. PRESIDENT—Your Committee, the Judiciary, to whom was referred C. B. No. 30, "An Act to amend an act entitled an act concerning extra compensation," beg leave to report the same to the Council, and recommend that it be referred to the Committee of the Whole.

On motion of Mr. Corum, the report was adopted.

Mr. Corum made the following report:

MR. PRESIDENT—Your Special Committee, who were appointed to confer with a Committee of three from the House, on House Joint Resolution No. 1, beg leave to make the following report to all that portion of said resolution relating to the late military expedition in Montana.

Your Committee, for the purpose of gaining the information desired, met at the office of the Secretary, on the 27th of November, A. D. 1867, and there examined and took the statements of Col. J. J. Hull, Commissary of Subsistence, Col. Hamilton Cummings, Quartermaster General, and Col. A. M. S. Carpenter, Chief of Ordnance; and your Committee further examined documents, letters, etc., in the possession of the Governor relative to the afore-said expedition, from which they gleaned the following:

The Department of Commissary of Subsistence, for flour, bacon, and other provisions for the forces in the field, has incurred a debt of about one hundred and seventy-three thousand dollars.

The Department of Quartermaster General, for clothing, horses, and equipments, forage, etc., has incurred a debt of about eight hundred thousand dollars.

The Ordnance Department, for arms, ammunition, and cavalry equipments, has incurred a debt of about fifty thousand dollars.

From these, and other sources, we estimate the whole debt incurred by the expedition to be about one million one hundred thousand dollars.

The purchases above alluded to were made in accordance with the United States Army Regulations, to wit—by public advertisement for sealed proposals, and in every instance the contracts were awarded to the lowest bidder giving the security required.

Your Committee believe that the provisions, equipments, etc., purchased by the several officers above referred to, were made at reasonable figures, considering the state of the market, and all the circumstances surrounding the case.

From the communications received by the Governor from the Secretary of War, and Generals Sherman and Terry, we are of the opinion that the Governor had sufficient authority from the General Government to act as he has done in the premises, and your Committee believe that a proper representation of the above facts to the Congress of the United States, by a joint memorial of the Legislature of Montana, accompanied with abstracts of accounts from the different departments, could not be otherwise than have the effect to induce Congress to make the necessary appropriations for paying the above indebtedness, which has no doubt been incurred by authority of the General Government.

Your Committee would therefore recommend that a Joint Committee of one from each House of the Legislature be appointed to draw up a memorial for the purpose above named.

A motion to adopt the report, by Mr. Rand, was lost by the following vote :

Ayes—Messrs. Davis and Orr—2.

Nays—Messrs. Corum, Cullen, Rand, Watson, and Mr. President—5.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing—

That C. B. No. 5, entitled "An Act to amend an act entitled an act relating to the discovery of gold and silver quartz lodes or ledges, and the manner of location," had passed the House.

Also, that C. B. No. 46, entitled "An Act to repeal sections 9 and 10 of an act concerning limitations," had passed the House, with amendments.

Also, that H. J. R. No. 2 had passed the House.

Also, that H. B. No. 38, entitled "An Act supplementary to an act for the protection of roads," had passed the House.

Mr. Cullen, chairman of the Committee on Enrollment, reported C. B. No. 3, entitled "An Act to provide for the funding of the debt of Montana Territory," as correctly enrolled.

Mr. Cullen, chairman of the Special Committee, to whom was referred Council Bill No. 37, made the following report :

MR. PRESIDENT—Your Special Committee, to whom was referred House Bill No. 37, entitled "An Act to re-enact an act entitled an act to incorporate the Gold Hill Mining and Tunneling Company of Montana," beg leave to report that they have had the same under consideration, and that they respectfully recommend its passage.

On motion of Mr. Davis, the report was adopted, the rules suspended, bill considered as engrossed, and passed to third reading.

A communication from His Excellency the Governor, through Mr. Brown :

MR. PRESIDENT—I am directed by the Governor to inform the Council that he has this day approved and signed Council Bill No. 32, entitled "An Act to amend an act concerning weights and measures, approved January 24th, 1865."

Also, Council Bill No. 38, entitled "An Act to authorize the county commissioners of Missoula county to raise a special tax for bridge purposes."

Also, Council Bill No. 34, entitled "An Act to establish the boundary lines of Jefferson county."

I am also directed to deliver to the Council a message in writing.

Mr. Watson, chairman of the Committee of the Whole, made the following report :

MR. PRESIDENT—The Committee of the Whole, to whom was referred C. B. No. 45, "An Act to amend an act entitled an act to establish a common school system for the Territory of Montana, approved February 7th, 1865," have instructed me to report the same back to the Council, with the following amendment (amendment attached), to section 2nd, and recommend its passage :

Add at the end of section 2 : "And all officers mentioned in this act, and the act of which this is amendatory, who shall fail or neglect to perform any of the duties required by either of said acts, shall be deemed guilty of a misdemeanor, and upon conviction before any court having competent jurisdiction, shall be fined in any sum not less than ten dollars, and not more than fifty dollars for each neglect, and such fine shall be paid into the county treasury for the benefit of the common schools of said county.

On motion of Mr. Rand, the report was adopted.

Mr. Watson offered the following amendment to the bill :

Add, at the end of section 5, " And pay over all moneys to the county superintendents, as required by said superintendents, for school purposes."

On motion of Mr. Rand, the amendment was adopted.

Mr. Orr offered the following amendment :

Add section 8 : " That there is hereby appropriated the sum of one hundred dollars, out of any money not otherwise appropriated, which shall be used by the Superintendent of Public Instruction in the purchase of phonetic books; and it shall be the duty of the Superintendent to take the proper steps to introduce the phonetic system of education into the schools of this Territory."

On motion of Mr. Orr, the amendment was adopted by the following vote:

Ayes—Messrs. Cullen, Davis, Orr, and Watson—4.

Nays—Messrs. Corum, Rand, and Mr. President—3.

On motion of Mr. Davis, the bill was ordered engrossed for a third reading.

Mr. President introduced C. B. No. 48, entitled "An Act to authorize James M. Baily, his heirs and assigns, to construct and maintain a toll bridge on the Hell Gate river, in Deer Lodge county."

Read first and second time.

On motion of Mr. Corum, the rules were suspended, and the bill considered engrossed for third reading, by the following vote :

Ayes—Messrs. Corum, Cullen, Davis, and Mr. President—4.

Nays—Messrs. Orr and Watson—2.

Mr. Rand excused from voting.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing that the following resolution had passed the House :

Resolved, That a Committee of one be appointed by the Chair,

to act in conjunction with a like Committee from the Council, to draft a memorial to Congress asking for an appropriation to pay the debt incurred by the late military expedition against the Indians.

On motion of Mr. Rand, the resolution was indefinitely postponed by the following vote :

Ayes—Messrs. Orr, Rand, Watson, and Mr. President—4.

Nays—Messrs. Corum, Cullen, and Davis—3.

Mr. Corum, chairman of the Committee on Engrossment, to whom was referred C. B. No. 27, entitled "An Act to regulate the proceedings and defining the jurisdiction of the probate courts of this Territory," report the same as correctly engrossed.

H. J. R. No. 2, "To provide compensation to J. J. Roe & Co.," was read first and second time, and referred to the Committee of Ways and Means.

C. B. No. 46, entitled "An Act repealing sections 9 and 10 of an act concerning limitations," was taken up, and the amendments of the House concurred in.

H. B. No. 38, entitled "An Act supplementary to an act for the protection of roads," was taken up, read first and second time, and referred to the Committee on Internal Improvements.

C. B. No. 40, entitled "An Act concerning foreign corporations," was taken up, read third time, and passed by the following vote :

Ayes—Messrs. Corum, Cullen, Davis, Orr, Rand, Watson, and Mr. President—7.

Nays—None.

Title agreed to.

C. B. No. 48, entitled "An Act to authorize James M. Baily his heirs and assigns, to construct and maintain a toll bridge on the Hell Gate river in Deer Lodge county," was taken up, read third time, and passed by the following vote :

Ayes—Messrs. Corum, Cullen, Davis, Watson, and Mr. President—5.

Nay—Mr. Orr.

Mr. Rand was excused from voting.

Title agreed to.

C. B. No. 27, entitled "An Act to regulate the proceedings and define the jurisdiction of the probate courts of Montana Territory," was taken up, read the third time, and passed by the following vote :

Ayes—Messrs. Corum, Cullen, Rand, Watson, and Mr. President—5.

Nays—Messrs. Orr and Davis.

Title agreed to.

H. B. No. 37, entitled "An Act to re-enact an act entitled an act to incorporate the Gold Hill Mining and Tunneling Company of Montana Territory," was taken up, read third time, and passed by the following vote :

Ayes—Messrs. Corum, Cullen, Davis, and Mr. President—4.

Nays—Messrs. Orr, Rand, and Watson—3.

Title agreed to.

On motion of Mr. Orr, the Council resolved itself into a Committee of the Whole, on C. B. No. 30, entitled "An Act to amend an act entitled an act to provide increased compensation to officers in this Territory, approved January 24th, 1865."

Mr. Orr in the chair.

The Committee arose, and asked leave to sit again.

The Council resumed its session. Mr. President in the chair.

On motion of Mr. Cullen, the Council took a recess until 7 o'clock, P. M.

EVENING SESSION. 1.

The Council met at 7 o'clock, P. M. Mr. President in the chair.

Roll called—all present.

The Council resolved itself into a Committee of the Whole.
Mr. Orr in the chair.

The Committee arose.

The Council resumed its session. Mr. President in the chair.

On motion of Mr. Cullen, the Council adjourned until to-morrow morning, at 10 o'clock.

THIRTIETH DAY.

DECEMBER 3, 1867.

The Council met, at 10 A. M. President Bagg in the chair.

Roll called—all present.

Journal of yesterday read and approved.

Mr. Corum, chairman of the Committee on Engrossment, reported C. B. No. 45, entitled "An Act to amend an act entitled an act to establish a common school system of the Territory of Montana," as correctly engrossed.

Mr. Cullen, chairman of the Committee on Enrollment, reported C. B. No. 5, entitled "An Act to amend an act entitled an act relating to the discovery of gold and silver quartz lodes or ledges, and the manner of their location."

Also, C. B. No. 43, entitled "An Act relating to fires, and the protection of timber and grasses."

Also, C. B. No. 46, entitled "An Act repealing sections 9 and 10 of an act concerning limitations," as correctly enrolled.

Mr. Orr, chairman of the Committee on Internal Improvements, made the following report:

MR. PRESIDENT—Your Committee on Internal Improvements, to whom was referred House Bill No. 38, "An Act supplementary to an act for the protection of roads," beg leave to report the same back to the Council, and recommend that it pass.

On motion of Mr. Rand, the report was adopted.

Mr. Orr, chairman of the Committee on Agriculture, made the following report:

MR. PRESIDENT—Your Committee on Agriculture, to whom was referred House Bill No. 24, An Act to amend an act entitled an act securing liens to mechanics and others, approved December 30, 1864," having had the same under consideration, recommend that it pass.

On motion of Mr. Watson, the report was adopted.

Mr. Orr, chairman of the Committee of the Whole, made the following report:

MR. PRESIDENT—Your Committee of the Whole, to whom was referred Council Joint Memorial No. 1, having had the same under consideration, instruct the chairman to report the same back to the Council, with a recommendation that it pass.

On motion of Mr. Watson, the report was adopted.

Mr. Corum, chairman of the Committee on Engrossment, reported C. B. No. 18, entitled "An Act to provide for the formation of corporations for certain purposes," as correctly engrossed.

Mr. Cullen introduced C. B. No. 49, entitled "An Act relating to the pre-emption of town sites upon the public lands, and the disposal of the trusts created thereby."

Read first and second time, and referred to the Committee of the Whole.

Mr. President introduced C. B. No. 50, entitled "An Act defining the boundary lines of Deer Lodge county."

Read first and second time, and referred to a Special Committee, consisting of Messrs. Rand, Davis, and Watson.

Mr. Watson, chairman of the Committee of Ways and Means, made the following report:

MR. PRESIDENT—Your Committee of Ways and Means, to whom was referred H. J. R. No. 2, "Making compensation to J. J.

Roe & Co., for freight and express charges," have had the same under consideration, and report the same back to the Council, and recommend its passage.

On motion of Mr. Davis, the report was adopted, and, on motion of Mr. Corum, the memorial was referred to the Committee of the Whole.

On motion of Mr. Rand, H. B. No. 35, entitled "An Act to amend an act concerning crimes and punishments," was taken up, and the amendments ordered engrossed for a third reading.

C. B. No. 18, entitled "An Act to provide for the formation of corporations for certain purposes," was taken up, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Rand, Watson, and Mr. President—5.

Nays—Messrs. Davis and Orr—2.

Title agreed to.

C. B. No. 45, entitled "An Act to amend an act entitled an act to establish a common school system for the Territory of Montana, approved February 7, 1865," was taken up, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Davis, Orr, and Watson—4.

Nays—Mr. Rand, and Mr. President—2.

Absent—Mr. Cullen.

Title agreed to.

A communication from the Governor:

EXECUTIVE OFFICE, VIRGINIA CITY, M. T.,
December 2, 1867. }

To the Hon. President and Members of the Council:

In compliance with the Organic Act and laws of the Territory, I herewith transmit the following executive appointments for your consideration, and respectfully request your concurrence: _

NOTARIES PUBLIC.

Madison County—Francis C. Deimling, Henry N. Blake, Henry Augustus Ward, Don L. Byam, W. L. McMath, and John W. Brown.

Edgerton County—T. H. Klienschmidt, Cornelius Hedge, John Desbeck, Henry Adams, James E. Owingo, M. B. Harrison, and W. S. Scribner.

Meagher County—T. Melville Chisholm.

Deer Lodge County—David B. Holdman, N. J. Corkery, and Louis McMurtry.

Beaver Head County—Ben. S. Peabody.

Jefferson County—William Berkin.

CONSTABLES.

Deer Lodge County, Phillipsburg precinct—Smith Wilson, and Sion Bradley.

JUSTICES OF THE PEACE.

Deer Lodge County, Phillipsburg precinct—J. B. Van Hagan, and Charles Bernard.

GREEN CLAY SMITH,

Governor of Montana Territory.

Whereupon the Council went into executive session upon said recommendation, and the following were duly confirmed:

John Desbeck, M. B. Harrison, N. J. Corkery, Louis McMurtry, Ben. S. Peabody, Wm. Berkin.

The Council resumed its session. Mr. President in the chair.

On motion of Mr. Rand, the Council took a recess until 2 P. M.

AFTERNOON SESSION.

The Council met at 2 P. M. Mr. President in the chair.

Roll called—all present.

Mr. Cullen, chairman of the Committee on Enrollment, reported

C. B. No. 21, entitled "An Act defining the duties of Territorial Auditor and Territorial Treasurer of the Territory of Montana," as correctly enrolled.

H. B. No. 24, entitled "An Act to amend an act securing liens to mechanics and others," was taken up, and read third time.

Mr. Corum moved a call of the Council.

Roll called—all present.

On motion of Mr. Orr, the further call of the Council was dispensed with.

The bill was then read a third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Orr, and Watson—4.

Nays—Messrs. Davis, Rand, and Mr. President—3.

Title agreed to.

H. B. No. 38, entitled "An Act supplementary to an act for the protection of roads," was taken up, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Orr, Watson, and Mr. President—6.

Nay—Mr. Rand.

Title agreed to.

On motion of Mr. Watson, C. J. M. No. 1 was considered as engrossed.

Read third time, and passed by the following vote:

Ayes—Messrs. Corum, Davis, Orr, Watson, and Mr. President—5.

Nay—Messrs. Cullen and Rand—2.

Title agreed to.

Mr. Corum, chairman of the Committee on Engrossment, reported the amendments to H. B. No. 35, entitled "An Act to

amend an act concerning crimes and punishments," as correctly engrossed.

Mr. Cullen, chairman of the Committee on Enrollment, reported that he had presented C. B. No. 15, entitled "An Act to amend an act entitled an act relating to the discovery of gold and silver quartz lodes or ledges, and the manner of their location."

Also, C. B. No. 46, entitled "An Act repealing sections 9 and 10 of "An Act concerning limitations."

Also, C. B. No. 43, entitled "An Act relating to fires, and the protection of timber and grasses," to the Governor at 1 o'clock, P. M., Dec. 3, 1867.

And, also, C. B. No. 21, entitled "An Act defining the duties of Territorial Auditor and Territorial Treasurer of the Territory of Montana," at 2 o'clock, P. M., December 3, 1867.

H. B. No. 35, entitled "An Act to amend an act concerning crimes and punishments," was taken up, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Orr, Rand, Watson, and Mr. President—7.

Title agreed to.

Mr. President introduced C. B. No. 51, entitled "An Act prohibiting the Territorial Auditor from issuing warrants to any person without express provision of law."

Read first and second time.

On motion of Mr. Davis, the rules were suspended, bill considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Orr, Rand, Watson, and Mr. President—7.

Title agreed to.

On motion of Mr. Rand, the Council resolved itself into a Committee of the Whole, on C. B. No. 30, entitled "An Act to amend an act entitled an act to provide increased compensation to officers in this Territory." Mr. Orr in the chair.

The Committee arose.

The Council resumed its session. Mr. President in the chair.

A communication from the Governor, through Mr. Cummings, his private secretary :

MR. PRESIDENT—I am directed by the Governor to inform the Council that he has this day approved Council Bill No. 3, "An Act to provide for the funding of the debt of Montana Territory."

On motion of Mr. Orr, C. B. No. 30 was taken from the Committee of the Whole.

Mr. Rand offered the following amendments:

SECTION 1. That section 1 of "An Act to provide increased compensation to officers in this Territory, approved January 24, 1865," be and the same is hereby repealed.

SEC. 2. That section 2 of the same act is hereby amended so as to read :

To each of the chief clerks, assistant clerks, enrolling and engrossing clerks, the sum of seven dollars ; to each of the assistant clerks, not provided for in the Organic Act, the sum of eleven dollars ; to each of the sergeant-at-arms the sum of seven dollars ; to each fireman the sum of ten dollars ; to each of the doorkeepers the sum of seven dollars ; to each page the sum of six dollars ; to the chaplain the sum of six dollars.

SEC. 3. Section 3 of the act of which this act is amendatory be and the same is hereby repealed.

SEC. 4. This act to take effect and be in force from and after the fifteenth day of December, A. D. 1867.

A motion by Mr. Corum to adopt the amendments, was lost by the following vote :

Ayes—Messrs. Cullen, Davis, and Rand—3.

Nays—Messrs. Corum, Orr, Watson, and Mr. President—4.

On motion of Mr. Corum, the Council adjourned until to-morrow morning at 10 o'clock.

EVENING SESSION.

7 O'CLOCK, P. M.

This being the time to which H. B. No. 7, entitled "An Act to amend an act to locate the seat of government of the Territory of Montana," was made the special order, President Bagg called the Council to order.

Roll called—all present.

H. B. No. 7, entitled "An Act to amend an act to locate the seat of government of the Territory of Montana," was then taken up and read for information.

The question being, "Shall this bill pass, the objections of the Governor to the contrary notwithstanding," it was decided in the negative by the following vote:

Ayes—Messrs. Corum, Cullen, Rand, and Mr. President—4.

Nays—Messrs. Orr, Davis, and Watson—3.

On motion of Mr. President, the Council adjourned until to-morrow morning, at 10 o'clock.

THIRTY-FIRST DAY.

DECEMBER 4, 1867.

The Council met at 10 A. M. President Bagg in the chair.

Roll called—all present.

Journal of yesterday read and approved.

A communication from the House, through Mr. Barrett, Chief Clerk, returning C. B. No. 48, entitled "An Act to authorize James M. Baily, his heirs and assigns, to construct and maintain a toll bridge on the Hell Gate river, in Deer Lodge county," with a copy of the Organic Act.

Mr. Cullen, chairman of the Committee on Enrollment, reported C. B. No. 42, entitled "An Act to amend an act to incorporate the city of Nevada," as correctly enrolled.

On motion of Mr. Davis, the title to C. B. No. 48 was amended so as to read "An Act to amend an act entitled an act to authorize James M. Baily, his heirs and assigns, to construct and maintain a toll bridge on the Hell Gate river, in Deer Lodge county."

A communication from the House, through Mr. Barrett, Chief Clerk, announcing—

That H. B. No. 39, entitled "An Act to provide increased compensation to officers in this Territory," had passed the House.

Taken up, read first and second time.

On motion of Mr. Corum, the rules were suspended, bill considered as engrossed, read the third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Orr, Watson, and Mr. President—5.

Nays—Messrs. Davis and Rand—2.

Title agreed to.

On motion of Mr. Rand, C. B. No. 30 was indefinitely postponed.

The council then resolved itself into Committee of the Whole. Mr. Watson in the chair.

The Committee arose, and asked leave to sit again.

The Council resumed its session. Mr. President in the chair.

On motion of Mr. Corum, the Council took a recess until 2 P. M.

AFTERNOON SESSION.

Council met at 2 P. M. President Bagg in the chair.

Roll called—absent, Mr. Cullen.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing—

That C. B. No. 51, entitled "An Act prohibiting the Territorial Auditor from issuing warrants to any person without express provision of law," had passed the House.

Also, that C. J. M. No. 1 had passed the House.

Also, that H. J. R. No. 3 had passed the House.

A communication from the Governor, through Mr. Cummings, his private secretary :

EXECUTIVE OFFICE, TERRITORY OF MONTANA, }
VIRGINIA CITY, Dec. 4, 1867.

MR. PRESIDENT—The Governor directs me to inform the Council that he has approved Council Bill No. 46, "An Act to repeal sections nine, ten and twenty-four of an act entitled an act concerning limitations."

Also, Council Bill No. 43, "An Act relating to fires, and the protection of timber and grasses."

Also, Council Bill No. 5, "An Act to amend an act entitled an act relating to the discovery of gold and silver quartz lodes, leads or ledges, and the manner of their location."

H. J. R. No. 3 was read first and second time, and referred to the Committee on Education.

The Council resolved itself into a Committee of the Whole. Mr. Watson in the chair.

Mr. President in the chair.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing—

That H. B. No. 41, entitled "An Act prescribing the oath of office of territorial, county and precinct officers of Montana Territory," had passed the House.

The Committee arose.

The Council resumed its session. Mr. President in the chair.

Mr. Rand gave the following notice :

MR. PRESIDENT—On to-morrow I will introduce "A Bill providing for the payment of the expenses incurred in keeping territorial prisoners, and the manner in which the same shall be paid."

H. B. No. 41, "An Act prescribing the oath of office of territorial, county and precinct officers of Montana Territory," taken up, and read first and second time.

On motion of Mr. Corum, the following amendments were adopted :

"SECTION 1. That the Territorial Auditor, Treasurer and Superintendent of Public Instruction, before entering upon the duties of their respective offices, shall be required to take an oath to support the Constitution of the United States, the Organic Act of Montana Territory, and to faithfully discharge the duties of their respective offices.

"SECTION 2. That the Superintendent of Public Instruction shall be required to give bond, with two or more sufficient sureties, in the sum of twenty thousand dollars, to be approved by the Secretary of the Territory, which bond may be increased from time to time, or new or additional sureties may at any time be required by the Secretary or Acting Secretary of the Territory, or by the Legislative Assembly thereof."

Mr. Davis, chairman of the Committee on Education, made the following report :

MR. PRESIDENT—Your Committee on Education, to whom was referred House Joint Resolution No. 3, authorizing the Secretary to make corrections in orthography, etc., have had the same under consideration, and beg leave to report the same back to the Council, and recommend that it do not pass, believing that a construction might be placed upon said act not intended by the Legislature.

On motion of Mr. Watson, the report was adopted.

On motion of Mr. Rand, the resolution was indefinitely postponed.

Mr. Watson, chairman of the Committee of the Whole, made the following report :

MR. PRESIDENT—The Committee of the Whole, to whom was referred C. B. No. 49, "An Act entitled an act relating to the

pre-emption of town sites upon the public lands, and the disposal of the trusts created thereby," beg leave to report the same back to the Council, with the following amendments (amendments attached), and that section 15 be struck out; and recommend the passage of the same.

On motion of Mr. Davis, the report was adopted.

Mr. Watson, chairman of the Committee of the Whole, made the following report :

MR. PRESIDENT—The Committee of the Whole, to whom was referred H. J. R. No. 2, "Providing compensation to J. J. Roe & Co., for freight and express charges," beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Council, with the following amendments, viz. :

In line five, strike out the word "eight," and insert the word "six" in lieu thereof, and recommend its passage.

On motion of Mr. Davis, the report was adopted, and amendments ordered engrossed for a third reading.

Mr. President introduced C. B. No. 52, entitled "An Act authorizing county clerks of the several counties in this Territory to appoint deputies."

Read first and second time, and referred to the Committee on Mines and Minerals.

Mr. Davis introduced C. B. No. 53, "An Act entitled an act to amend an act to regulate proceedings in civil cases in the courts of justice of the Territory of Montana."

Read first and second time, rules suspended, considered engrossed, read third time, and passed by the following vote :

Ayes—Messrs. Corum, Davis, Orr, Rand, Watson, and Mr. President—6.

Nays—None.

Absent—Mr. Cullen.

Title agreed to.

Mr. Watson, chairman of the Committee on Mines and Minerals, made the following report :

MR. PRESIDENT—Your Committee on Mines and Minerals, to whom was referred C. B. No. 52, "An Act entitled an act authorizing the county clerks of the several counties in this Territory to appoint deputies," beg leave to report the same back to the Council, and recommend the passage of the same.

On motion of Mr. Davis, the report was adopted, the rules suspended, bill considered as engrossed, read third time, and passed by the following vote :

Ayes—Messrs. Corum, Cullen, Davis, Orr, Rand, and Mr. President—6.

Nays—None.

Title agreed to.

Mr. Corum, chairman of the Committee on Engrossment, reported H. J. R. No. 2 as correctly engrossed.

H. J. R. No. 2 read third time, and passed by the following vote :

Ayes—Messrs. Corum, Davis, Orr, Watson, and Mr. President—5.

Nay—Mr. Rand.

Title agreed to.

On motion of Mr. Corum, the Council adjourned until to-morrow morning at 10 o'clock.

THIRTY-SECOND DAY.

DECEMBER 5, 1867.

The Council met at 10 A. M. President Bagg in the chair.

Roll called—all present.

Journal of yesterday read and approved.

Mr. Rand introduced C. B. No. 54, entitled "An Act to provide for the payment of the expenses incurred in keeping territorial prisoners, and the manner in which the same shall be paid."

Read first and second time, and referred to the Committee of the Whole.

C. B. No. 49, entitled "An Act relating to the pre-emption of town sites upon public lands, and the disposal of the trusts created thereby," was taken up, and,

On motion of Mr. Cullen, ordered engrossed for a third reading.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing—

That H. B. No. 43, entitled "An Act to amend an act entitled an act for the location of the seat of government in and for the Territory of Montana," had passed the House.

The Council resolved itself into a Committee of the Whole. Mr. Watson in the chair.

The Committee arose.

The Council resumed its session. Mr. President in the chair.

H. B. No. 43, entitled "An Act to amend an act entitled an act to locate the seat of government of the Territory of Montana," was taken up, and read first and second time.

On motion of Mr. Rand, the bill was considered as engrossed, and read third time.

Mr. Corum moved a call of the House.

Roll called—absent, Mr. Cullen.

Sergeant-at-arms ordered to bring in absentee.

Mr. Cullen reported in his seat.

On motion of Mr. Corum, the further call of the House was dispensed with.

The bill was then read for information, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Rand, and Mr. President—4.

Nays—Messrs. Davis, Orr, and Watson—3.

Title agreed to.

Mr. Corum, chairman of the Committee on Engrossment, reported the amendments to H. B. No. 47, "An Act prescribing the oath of office of territorial, county and precinct officers of Montana Territory," as correctly engrossed.

Mr. Cullen, chairman of the Committee on Enrollment, reported C. B. No. 57, "An Act prohibiting the Territorial Auditor from issuing warrants to any person without express provision of law," as correctly enrolled.

Mr. Watson, chairman of the Committee of the Whole, made the following report:

MR. PRESIDENT—The Committee of the Whole, to whom was

referred C. B. No. 54, "An Act providing for the care and support of territorial prisoners in the county jails of Montana Territory," beg leave to report the same back to the Council as amended, (amendments attached) and recommend the passage of the same.

On motion of Mr. Corum, the report was adopted, and the bill ordered engrossed for a third reading.

Mr. Corum, chairman of the Committee on Engrossment, to whom was referred C. B. No. 54, entitled "An Act to provide for the care and support of the territorial prisoners confined in the county jails of Montana Territory," reported the same back to the Council as correctly engrossed.

The bill was then read a third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Orr, Rand, Watson, and Mr. President—7.

Title agreed to.

Mr. Cullen gave the following notice:

MR. PRESIDENT—By the leave of the Council I will, on tomorrow or some subsequent day, introduce a bill entitled "An Act to amend an act entitled an act to regulate the proceedings in civil causes in the courts of justice of Montana Territory."

Mr. Rand made the following report:

MR. PRESIDENT—Your Special Committee to whom was referred Council Bill No. 50, "An Act to define the boundary lines of Deer Lodge county," beg leave to report the same to the Council, with two new sections, numbers two and three, and that sections two and three of the bill be numbered three and four, and recommend that the bill pass.

On motion of Mr. Watson, the report was adopted, and the bill, as amended, read for information.

A communication from the House, through Mr. Barrrett, Chief Clerk, announcing—

That H. J. M. No. 4, "Relative to a proposed treaty with the Blackfeet Indians," had passed the House.

Also, that the following resolution had passed the House:

Resolved, That a Committee of three, two from the House and one from the Council, be appointed to make full and complete settlement with the Auditor and Treasurer of the Territory, and make report thereof to each House at as early a day as possible.

Mr. Cullen offered the following amendment to C. B. No. 50, "An Act to define the boundary lines of Deer Lodge county":
"Provided, That nothing herein contained shall be so construed as to interfere with the western boundary of Edgerton county as now established."

On motion of Mr. Cullen, the amendment was adopted, and bill ordered engrossed for a third reading.

On motion of Mr. Cullen, the Council took a recess until 2 P. M.

AFTERNOON SESSION.

The Council met at 2 P. M. Mr. President in the chair.

Roll called—all present.

Mr. Watson introduced C. B. No. 56, entitled "An Act in relation to the election of county officers within the several counties of the Territory of Montana."

Read first and second time.

On motion of Mr. Watson, the rules were suspended, bill considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Orr, Rand, Watson, and Mr. President—7.

Title agreed to.

Mr. Corum introduced C. B. No. 55, entitled "An Act to authorize the citizens of Jefferson county to change their county seat."

Read first and second time.

On motion of Mr. Rand, the rules were suspended, bill considered as engrossed, read third time, and passed by the following vote :

Ayes—Messrs. Corum, Cullen, Davis, Orr, Rand, Watson, and Mr. President—7.

Title agreed to.

On motion of Mr. Rand, H. B. No. 41, entitled "An Act prescribing the oath of office of territorial, county and precinct officers of Montana Territory," was taken up, read third time, and passed by the following vote :

Ayes—Messrs. Corum, Cullen, Davis, Rand, Watson, and Mr. President—6.

Nay—Mr. Orr.

Title amended and agreed to.

Mr. President introduced C. J. R. No. 4.

Read first and second time.

On motion of Mr. Rand, the rules were suspended, the resolution considered engrossed, read the third time, and passed by the following vote :

Ayes—Messrs. Corum, Cullen, Rand, and Mr. President—4.

Nays—Messrs. Davis, Orr, and Watson—3.

Title agreed to.

H. J. M. No. 4 was taken up, read first and second time, and referred to the Committee on Federal Relations.

A communication from the House, through Mr. Shields, Assistant Clerk, announcing—

That C. B. No. 53, entitled "An Act to amend an act to regulate proceedings in civil cases in the courts of justice of the Territory of Montana," had passed the House, with amendments.

Also, that H. B. No. 25, entitled "An Act concerning licenses, and C. B. No. 52, entitled "An Act authorizing county clerks of the several counties in this Territory to appoint deputies," had passed the House.

Also, that C. B. No. 55, entitled "An Act to authorize the citizens of Jefferson county to change the county seat of said county," had passed the House.

C. B. No. 53 was taken up, and the amendments of the House concurred in.

H. B. No. 25 was taken up, read first and second time, and referred to Committee of the Whole.

The Council then resolved itself into Committee of the Whole. Mr. Cullen in the chair.

The Committee arose.

The Council resumed its session. Mr. President in the chair

On motion of Mr. Rand, the Council adjourned until to-morrow morning, at 10 o'clock.

THIRTY-THIRD DAY.

DECEMBER 6, 1867.

The Council met at 10 o'clock, A. M. President Bagg in the chair.

Roll called—all present.

Journal of yesterday read and approved.

Mr. Corum, chairman of the Committee on Engrossment, reported C. B. No. 50, entitled "An Act to define the boundary lines of Deer Lodge county," as correctly engrossed.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing—

That Mr. Patton introduced H. B. No. 46, "An Act providing for the collection of the revenue."

Also, that H. B. No. 33, entitled "An Act to re-enact an act entitled an act to incorporate the Black Tail Deer and Helena Wagon Road Company," had passed the House.

Also, that H. B. No. 44, entitled "An Act to re-enact an act entitled an act authorizing Samuel Bressler and Robert Hedges, their associates, heirs and assigns, to construct and maintain a toll road from Virginia City, in Madison county, to Sterling, in Hot Spring district," had passed the House.

Also, that C. B. No. 40, entitled "An Act concerning foreign corporations," had passed the House.

Also, that C. B. No. 48, entitled "An Act to re-enact an act to authorize James M. Bailey, his heirs and assigns, to construct and maintain a toll bridge on the Hellgate river in Deer Lodge county," had passed the House.

Also, that C. B. No. 54, entitled "An Act to provide for the care and support of territorial prisoners confined in the county jails of Montana Territory," had passed the House.

Also, that C. J. R. No. 4 had passed the House.

Also, that C. B. No. 36, entitled "An Act creating a board of special commissioners to build county buildings in Deer Lodge county," had passed the House, with the following amendments:

Change the enacting clause and the first section to read as follows :

"An Act to authorize the county commissioners of Deer Lodge county to levy a special tax for the construction of county buildings."

Amend section 1, by striking out the words "W. B. Dance, N. Connelly, and George B. Lucas," and insert "the county commissioners."

Section 5, line 5, strike out the word "three," and insert "two," in lieu thereof.

Also, that C. B. No. 10, entitled "An Act declaring what shall be a lawful fence," had passed the House, with the following amendments :

Amend Section 1 as follows :

"SECTION 1. A fence shall be considered lawful when constructed of four or more strong poles or rails, the lower pole or rail to be not more than two feet from the ground. The above is intended to apply to what is known as leaning fences. Also all board and rail fences, well secured to good and substantial posts firmly set in the ground. Also all ——— fences and stone walls shall be considered lawful. *Provided*, That all of the above named fences shall not be less than four and one-half feet high, and provided further, that any portion of an enclosure bordering on any stream more than four feet deep, swamp, bluff, ditch, or wall, which shall be as difficult for stock to pass as the fences described in this section, may be used as a lawful fence."

Also, that C. B. No. 4, entitled "An Act to regulate proceedings in attachments in civil cases," had passed the House, with the following amendments :

Add the following section :

"SEC. 27. All acts and parts of acts conflicting with this act be and the same are hereby repealed."

That section 27 of said bill be changed to section 28.

Mr. Rand introduced C. B. No. 57, entitled "An Act to amend an act to regulate proceedings in civil cases in courts of justice of Montana Territory."

Read first and second time, and referred to the Committee of the Whole.

The Council then resolved itself into a Committee of the Whole. Mr. Cullen in the chair.

The Committee arose.

The Council resumed its session. Mr. President in the chair.

Mr. Cullen, chairman of the Committee on Enrollment, reported C. B. No. 53, entitled "An Act to amend an act to regulate proceedings in civil cases in the courts of justice of the Territory of Montana," as correctly enrolled.

Mr. Corum, chairman of the Committee on Federal Relations, made the following report:

MR. PRESIDENT—Your Committee on Federal Relations, to whom was referred House Joint Memorial No. 4, after duly considering the same, have instructed me to report it back, and recommend its passage.

On motion of Mr. Watson, the report was adopted.

On motion of Mr. Corum, the memorial was considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Orr, Watson, and Mr. President—4.

Nay—Mr. Rand.

Absent—Messrs. Cullen and Davis.

Title agreed to.

C. B. No. 50, entitled "An Act to define the boundary lines of Deer Lodge county," was then taken up, read a third time, and passed by the following vote:

Ayes—Messrs. Corum, Orr, Rand, Watson, and Mr. President—5.

Absent—Messrs. Cullen and Davis.

Title amended so as to read as follows:

"An Act to define the boundary lines of the counties of Deer Lodge, Beaver Head, and Madison,"

And agreed to.

C. B. No. 4, entitled "An Act to regulate proceedings in attachments in civil cases," was then taken up, and the amendments of the House concurred in.

C. B. No. 36, entitled "An Act creating a board of special commissioners to build county buildings in Deer Lodge county," was taken up, and the amendments of the House concurred in.

C. B. No. 10, entitled "An Act declaring what shall be a lawful fence," was taken up, and the amendments of the House concurred in.

Mr. Cullen, chairman of the Committee on Enrollment, reported that he had left C. B. No. 53, entitled "An Act to amend an act to regulate proceedings in civil cases in courts of justice in Montana Territory," with the Governor at 11 A. M., December 6, 1867.

The Council then resolved itself into a Committee of the Whole. Mr. Cullen in the chair.

The Committee arose.

The Council resumed its session. Mr. President in the chair.

On motion of Mr. Corum, the Council took a recess until 2 o'clock, P. M.

AFTERNOON SESSION.

The Council met at 2 P. M. Mr. President in the chair.

Roll called—all present.

Mr. Corum, chairman of the Committee on Engrossment, reported C. B. No. 49, entitled "An Act relative to the pre-emption of town sites upon public lands, and the disposal of the trusts created thereby," as correctly engrossed.

The following resolution was then taken up:

"*Resolved*, That a Committee of three, two from the House and one from the Council, be appointed, to make full and complete settlements with the Auditor and Treasurer of the Territory, and make report thereof to each House at as early a day as possible."

On motion of Mr. Watson, the resolution was adopted, and Mr. Corum appointed as such Committee from the Council.

A communication from the Governor, through Mr. Cummings, his private secretary:

MR. PRESIDENT—I am directed by His Excellency the Governor to inform the Council that he has this day approved—

Council Bill No. 53, "An Act entitled an act to amend an act to regulate proceedings in civil cases in the courts of justice of the Territory of Montana."

Also, a list of appointments.

Whereupon the Council went into executive session, and the following appointments were duly confirmed:

John Owen, James P. Reinhardt, and Frank H. Woody, as notaries public of Missoula county.

Wm. H. Chiles, C. C. Menaugh, and Wm. L. McMath, as notaries public, Madison county.

Smith Wilson, and Sion Bradley, as constables, Deer Lodge county.

J. B. Van Hagan, and Charles Bernard, as justices of the peace of Deer Lodge county.

The executive session dissolved.

The Council resumed its session. Mr. President in the chair.

H. B. No. 33, entitled "An Act to re-enact an act entitled an act to incorporate the Black Tail Deer and Helena Wagon Road Company," was taken up, read first and second time, and referred to Special Committee on Incorporations.

H. B. No. 44, entitled "An Act to re-enact an act entitled an act authorizing Samuel Bressler, Robt. Hedges, their associates, heirs and assigns, to construct and maintain a toll road from Virginia City, in Madison county, to Sterling, in Hot Spring district," was taken up, read first and second time, and referred to the Special Committee on Incorporations.

Mr. Cullen, chairman of the Committee on Enrollment, reported C. B. No. 52, entitled "An Act authorizing county clerks of the several counties in this Territory to appoint deputies."

Also, C. B. No. 40, entitled "An Act concerning foreign corporations,"

And C. J. R. No. 4, "Asking for an extra session,"
As correctly enrolled.

C. B. No. 43, entitled "An Act relative to the pre-emption of town sites upon public lands, and the disposal of the trusts created thereby," was taken up, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Orr, Rand, Watson, and Mr. President—6.

Mr. Davis absent.

Title agreed to.

A communication from His Excellency the Governor, through Mr. Cummings, his private secretary:

MR. PRESIDENT—His Excellency the Governor directs me to inform the Council that he has approved C. B. No. 21, "An Act defining the duties of Territorial Auditor and Territorial Treasurer of the Territory of Montana."

The Council then resolved itself into a Committee of the Whole. Mr. Corum in the chair.

The Committee arose.

The Council resumed its session. Mr. President in the chair.

Mr. Cullen, chairman of the Committee on Enrollment, reported that he had left—

C. B. No. 40, entitled "An Act concerning foreign corporations,"

Also, C. B. No. 52, entitled "An Act authorizing the county clerks of the several counties of Montana Territory to appoint deputies,"

Also, C. J. R. No. 4, "Asking for an extra session,"

Also, C. B. No. 42, entitled "An Act to incorporate the city of Nevada,"

Also, C. B. No. 51, entitled "An Act prohibiting the Territorial Auditor from issuing warrants to any person without express provision of law,"

With the Governor, at 3 P. M., December 6, 1867.

On motion of Mr. Orr, the Council adjourned until tomorrow morning at 10 o'clock.

THIRTY-FOURTH DAY.

DECEMBER 7, 1867.

The Council met at 10 A. M. President Bagg in the chair.

Roll called—all present.

Journal of yesterday read and approved.

A communication from the House—

That C. B. No. 50, entitled "An Act to define the boundary lines of Deer Lodge, Beaver Head and Madison counties," had passed the House, with the following amendment:

In section one, fifty-fourth line, strike out the words "western boundary," and substitute the word "boundaries."

Also, that C. B. No. 45, entitled "An Act to amend an act entitled an act to establish a common school system for the Territory of Montana," had passed the House, with the following amendments:

"SECTION 8. That the trustees of each school district in each county be, and are hereby authorized to use the school moneys under their control so far as the same may be necessary for the purpose of procuring fuel for the use of the schools in their respective districts, as also for the purpose of repairing any building that may be the property of the school districts of which they are the trustees."

Strike out section eight of original bill.

Mr. Cullen presented a petition, accompanied by affidavits, from G. J. Germain, praying for a divorce from his wife, Marie.

Petition read, and referred to a Special Committee, consisting of Messrs. Cullen, Watson, and Corum.

Mr. Davis introduced C. B. No. 59, entitled "An Act concerning proceedings in courts of justice."

Read first and second time, and referred to Committee on Judiciary.

Mr. Rand introduced C. B. No. 38, entitled "An Act for the better observance of the Lord's Day."

Read first and second time.

On motion of Mr. Cullen, the rules were suspended, bill considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Rand, Watson, and Mr. President—6.

Nay—Mr. Orr.

Title agreed to.

C. B. No. 30, entitled "An Act to define the boundary lines of the counties of Deer Lodge, Beaver Head and Madison," was taken up, and the amendments of the House concurred in.

C. B. No. 45, entitled "An Act to amend an act entitled an act to establish a common school system for the Territory of Montana," was taken up, and the amendments of the House not concurred in.

On motion of Mr. Orr, the Clerk was ordered to return the bill, and ask the House to recede from their amendments.

The Council resolved itself into a Committee of the Whole. Mr. Corum in the chair.

The Committee arose.

The Council resumed its session. Mr. President in the chair.

H. B. No. 16, entitled "An Act to re-enact an act entitled an act to incorporate the Great Beaver Head Wagon Road Company, passed at the second session of the Montana Legislature," was taken up, rules suspended, and considered engrossed, by the following vote :

Ayes—Messrs. Corum, Cullen, Davis, and Watson—4.

Nays—Messrs. Orr, Rand, and Mr. President—3.

Bill read a third time, and passed by the following vote :

Ayes—Messrs. Corum, Cullen, Davis, and Watson—4.

Nays—Messrs. Orr and Rand—2.

Mr. President excused from voting.

Title agreed to.

A communication from the House, announcing—

That C. B. No. 47, entitled "An Act to amend an act to regulate proceedings in civil causes in the courts of justice in the Territory of Montana," had passed the House.

Also, that H. B. No. 29, entitled "An Act relating to the discovery and possessory right of all placer mines," had passed the House.

Also, that H. B. No. 52, entitled "An Act to re-enact an act entitled an act to authorize Samuel Wier, and his associates, to construct and maintain a bridge or ferry across the Madison river, near the mouth of the same," had passed the House.

Also, that C. B. No. 38, entitled "An Act for the better observance of the Lord's Day," had passed the House.

Also, that the following resolution had passed the House :

Resolved, That the House insists on the House amendment to C. B. No. 45, and requests a conference upon matters of difference upon said bill, and that a Committee of two from this House be

appointed to confer with a like Committee from the Council upon the subject of disagreement between the two Houses.

Whereupon the President appointed Messrs. Rand and Corum as such Committee.

On motion of Mr. Cullen, the Council took a recess until 2 P. M.

AFTERNOON SESSION.

The Council met at 2 o'clock, P. M. Mr. President in the chair.

Roll called—all present.

Mr. Rand, chairman of Committee on Judiciary, made the following report :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Council Bill No. 59, "An Act concerning proceedings in courts of justice," report the same to the Council, and recommend that the bill do pass.

On motion of Mr. Cullen, the report was adopted.

Mr. Cullen, chairman of the Committee of the Whole, made the following report :

MR. PRESIDENT—The Committee of the Whole, to whom was referred H. B. No. 25, entitled "An Act to amend an act concerning licenses," have instructed me to report the same back, and recommend its passage, with the following amendments, to wit :

Amend section one of said act, by adding—

" *Provided*, That all persons who draw any legal instrument, deed, power of attorney, or other document for which he charges a fee, shall be considered a professional man."

In the first line of section three, strike out the word "and," and insert the word "or;" also, add at the end of said section, "All barbers shall pay a license of fifty dollars per quarter."

In section ten, line sixteen of the written bill, after the words "transient merchants," insert the following:

"Provided, In all cases where taxes have been paid on said goods in this Territory, by any person having a receipt therefor, it shall not be required of such storage or commission merchant, or auctioneer."

Also, add to said section ten, the following:

"For each pack animal loaded as aforesaid, shall pay fifty cents for each animal."

In section fourteen, line seven, of the printed bill, strike out "seventy-five," and insert "fifty."

In section fifteen, strike out "five" wherever it occurs in said section, and insert the word "seven."

In section seventeen, line eight, of the written bill, strike out the words "or less."

In section eighteen, line second, of the written bill, after the word "corporator," insert "or other company receiving toll."

Also, add to said section eighteen, the following:

"Provided, This section only refers to the carrying out of section seventeen of this act."

In section twenty, after the word "person," in the twelfth line of the written bill, and before the word "procuring," in the thirteenth line, insert the words "making or."

Add the following as section twenty-first of said act, to wit:

"SECTION 21. That all male persons in this Territory, who are now or may hereafter be engaged in the laundry business, shall pay a license of ten dollars per quarter."

Amend section twenty-three by adding to the same the following:

"Provided, That all steamers on the Pen de Oreille or Flat Head river, and all steamboats freighting from and to ports in this Territory, shall pay a license of five dollars on each cargo, when discharged."

Add as section twenty-six of said bill:

"SECTION 26. It shall be the duty of the treasurer of each and

every county in the Territory to collect the licenses, as provided in this act."

Add, as section twenty-seven of said bill, the following:

"SECTION 27. That all taxes pertaining to licenses not paid at the time this act shall be in force, shall be collected under the provisions of prior existing laws."

On motion of Mr. Rand, the report was adopted, and the amendments ordered engrossed for a third reading.

Mr. Cullen made the following report:

MR. PRESIDENT—Your Special Committee, to whom was referred the petition of G. Jules Germain, beg leave to report that they have had the same under consideration, and after carefully considering the said petition, together with the affidavits accompanying the same, they have concluded to report a bill to the Council, divorcing the said G. Jules Germain from his wife, and recommend the same do pass.

On motion of Mr. Rand, the report was adopted.

Mr. Cullen introduced C. B. No. 60, entitled "An Act to dissolve the bonds of matrimony between G. Jules Germain and Marie Germain."

Read first and second time.

On motion of Mr. Davis, the rules were suspended, the bill considered engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Rand, and Watson—5.

Nays—Mr. Orr and Mr. President—2.

Title agreed to.

Mr. Orr introduced C. J. M. No. 2, "Asking the establishment of post offices and post routes."

Read first and second time, and referred to the Committee on Federal Relations.

Mr. Watson presented a petition from sundry citizens of New York, "Praying for the passage of an act to authorize and encourage the development of mining districts by the location and working of tunnels."

A communication from the House, announcing—

That H. B. No. 33, entitled "An Act supplementary to an act regulating the elections in Montana Territory," had passed the House.

Mr. Watson introduced C. B. No. 61, entitled "An Act to authorize and encourage the development of mining districts in the Territory of Montana, by the location and working of tunnels."

Read first and second time, and referred to Committee on Mines and Minerals.

H. B. No. 47, entitled "An Act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of the Territory of Montana," was taken up, read first and second time, and referred to the Committee on Judiciary.

H. B. No. 53, entitled "An Act supplementary to an act to amend an act regulating the holding of elections in Montana Territory," was taken up, read first and second time, rules suspended, considered engrossed, read third time, and lost by the following vote:

Ayes—Messrs. Corum and Cullen—2.

Nays—Messrs. Davis, Orr, Rand, Watson, and Mr. President—5.

Mr. President gave notice that he would, at some future day, move to reconsider the vote by which the bill was lost.

H. B. No. 52, entitled "An Act to re-enact an act authorizing Samuel Weir and associates to construct and maintain a bridge across the Madison river," was taken up, read first and second time, and referred to the Special Committee on Incorporations.

A majority of the Special Committee, to whom was referred H. B. No. 47, entitled "An Act defining the Council and Representative districts of the Territory of Montana," made the following report :

MR. PRESIDENT—Your Special Committee, to whom was referred Council Bill No. 47, "An Act defining the Council and Representative districts of the Territory of Montana, and apportioning the members of the Legislative Assembly," having had the same under consideration, a majority of said Committee beg leave to make the following report :

Amend said bill by striking out all after the enacting clause, and substitute the following :

SEC. 1. The Legislative Assembly of the Territory of Montana shall consist of nine members of the Council and eighteen members of the House of Representatives, and shall convene once in each year at the seat of government of this Territory.

SEC. 2. This Territory is hereby divided into five Council districts, as follows:

First District—Madison county ; two members of the Council.

Second District—Beaver Head and Missoula counties ; one member of the Council.

Third District—Deer Lodge county ; two members of the Council.

Fourth District—Edgerton and Jefferson counties ; two members of the Council.

Fifth District—Chouteau, Meagher, Gallatin, and Big Horn counties ; two members of the Council.

SEC. 3. First Representative District—Madison county ; three members of the House of Representatives.

Second Representative District—Beaver Head county ; one member of the House of Representatives.

Third Representative District—Deer Lodge county ; five members of the House of Representatives.

Fourth Representative District—Missoula county ; one member of the House of Representatives.

Fifth Representative District—Edgerton county ; four members of the House of Representatives.

Sixth Representative District—Jefferson county; one member of the House of Representatives.

Seventh Representative District—Meagher county; one member of the House of Representatives.

Eighth Representative District—Gallatin county; one member of the House of Representatives.

Ninth Representative District—Chouteau and Big Horn counties; one member of the House of Representatives.

SEC. 4. There shall be one member elected in the Second Representative District for the Council, composed of the counties of Beaver Head and Missoula, and one member of the Council elected in the Fifth Representative District, composed of the counties of Chouteau, Meagher, Gallatin and Big Horn, at the general election, to be held on the first Monday of September, 1868.

SEC. 5. This act to take effect and be in force from and after its passage.

Mr. Corum made the following minority report:

MR. PRESIDENT—A minority of your Special Committee, to whom was referred Council Bill No. 47, "An Act defining the Council and Representative Districts of the Territory of Montana, and apportioning the members of the Legislative Assembly," have had the same under consideration, and report it back to the Council, and recommend its passage, without amendments.

On motion of Mr. Rand, the majority report was laid on the table by the following vote:

Ayes—Messrs. Corum, Cullen, Rand, and Mr. President—4.

Nays—Messrs. Davis, Orr, and Watson—3.

On motion of Mr. Rand, the minority report was adopted by the following vote:

Ayes—Messrs. Corum, Cullen, Rand, and Mr. President—4.

Nays—Messrs. Davis, Orr, and Watson—3.

C. B. No. 47, entitled "An Act defining the Council and Representative Districts, and apportioning the Districts of the Terri-

tory of Montana," was then taken up, rules suspended, and considered as engrossed for third reading, by the following vote:

Ayes—Messrs. Corum, Cullen, Rand, and Mr. President—4.

Nays—Messrs. Davis, Orr, and Watson—3.

The bill was then read a third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Rand, and Mr. President—4.

Nays—Messrs. Davis, Orr, and Watson—3.

H. B. No. 29, entitled "An Act relating to the discovery and possessory right of all placer mines," was taken up, read first and second time, and referred to the Committee on Mines and Minerals.

C. B. No. 59, "An Act concerning proceedings in courts of justice," was taken up, rules suspended, and considered as engrossed for third reading by the following vote:

Ayes—Messrs. Cullen, Davis, Rand, and Watson—4.

Nays—Messrs. Corum, Orr, and Mr. President—3.

The bill was then read a third time, and lost by the following vote:

Ayes—Messrs. Davis and Rand—2.

Nays—Messrs. Corum, Cullen, Orr, Watson, and Mr. President—5.

Mr. Corum, chairman of the Committee on Federal Relations, made the following report:

MR. PRESIDENT—Your Committee on Federal Relations, to whom was referred Council Joint Memorial No. 2, "Asking for the establishing of post offices and post roads," beg leave to report the same back, and recommend its passage.

On motion of Mr. Watson, the report was adopted, the rules suspended, and memorial considered as engrossed.

Read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Davis, Orr, Rand, Watson, and Mr. President—7.

Title agreed to.

Mr. Corum, chairman of the Committee on Engrossment, reported the amendments to H. B. No. 25, entitled "An Act concerning licenses," as correctly engrossed.

The bill was then read a third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Rand, Watson, and Mr. President—5.

Nays—Messrs. Davis and Orr—2.

Title agreed to.

On motion of Mr. Rand, the Council adjourned until Monday morning, at 10 o'clock.

THIRTY-SIXTH DAY.]

DECEMBER 9, 1867.

The Council met at 10 A. M. President Bagg in the chair.

Roll called—Mr. Davis absent.

Mr. Orr asked leave of absence for Mr. Davis, which was granted.

Journal of Saturday read and approved.

Mr. Cullen, chairman of the Special Committee on Incorporations, to whom was referred C. B. No. 33, entitled "An Act supplementary to an act concerning county treasurers,"

Also, C. B. No. 44, entitled "An Act for the relief of W. K. Roberts, sheriff of Edgerton county, and Edward Lovelock, ex-sheriff of Meagher county,"

Also, C. B. No. 52, entitled "An Act authorizing the county clerks of the several counties of this Territory to appoint deputies,"

Made the following report:

MR. PRESIDENT—Your Special Committee, to whom was referred House Bills Nos. 33, 44 and 52, beg leave to report that they have had the same under consideration, and would respectfully recommend their passage.

On motion of Mr. Watson, the report was adopted.

Mr. Watson, chairman of the Committee on Mines and Minerals, to whom was referred H. B. No. 29, entitled "An Act relating

to the discovery and possessory right of all placer mines," made the following report:

MR. PRESIDENT—Your Committee on Mines and Minerals, to whom was referred H. B. No. 29, "An Act relating to the discovery and possessory right of all placer mines," beg leave to report that they have had the same under consideration, and report the same back to the Council and recommend the passage of the same.

On motion of Mr. Cullen, the report was adopted.

Mr. Cullen, chairman of the Committee on Enrollment, to whom was referred C. B. No. 4, entitled "An Act to amend an act to regulate proceedings in civil cases in courts of justice of the Territory of Montana, approved April 12, 1864,"

Also, C. B. No. 55, entitled "An Act to authorize the citizens of Jefferson county to locate the county seat of said county,"

Also, C. B. No. 10, entitled "An Act declaring what shall be a lawful fence,"

Reported the same as correctly enrolled.

On leave, Mr. Watson introduced C. B. No. 62, entitled "An Act in relation to the election of district officers within the several counties of the Territory of Montana." Read a first and second time, and referred to the Committee on Judiciary.

On leave, Mr. Rand introduced C. B. No. 63, entitled "An Act to provide increased compensation to Hon. L. P. Williston." Read first and second time, and referred to the Committee of Ways Means.

On leave, Mr. Orr introduced C. B. No. 54, entitled "An Act supplementary to an act entitled an act regulating the holding of elections in Montana Territory, approved January 17, 1865." Read first and second time, and referred to Committee on Elections.

Mr. Cullen introduced C. B. No. 65, entitled "An Act to amend an act entitled an act to regulate the proceedings in civil cases in the courts of justice in the Territory of Montana." Read first and second time, and referred to the Committee of the Whole.

Mr. Cullen introduced C. B. No. 66, entitled "An Act to provide for judgment upon failure to answer the complaint in civil cases." Read first and second time, and referred to the Committee of the Whole.

Mr. Cullen, chairman of the Committee on Enrollment, to whom was referred C. B. No. 48, entitled "An Act to authorize J. M. Baily, his heirs and assigns, to construct and maintain a toll bridge on the Hell Gate river, in Deer Lodge county," reported the same as correctly enrolled.

On leave, Mr. President introduced C. B. No. 67, entitled "An Act for the relief of Hon. J. H. Rodgers." Read first and second time, rules suspended, bill considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Orr, Rand, Watson, and Mr. President—5.
Absent—Messrs. Cullen and Davis—2.

Title agreed to.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing—

That C. B. No. 30, entitled "An Act to amend an act entitled an act to provide increased compensation to officers in this Territory, approved January 24, 1865," had passed the House.

Also, that H. B. No. 51, entitled "An Act prohibiting the Territorial Auditor from issuing warrants to any person without express provision of law," has passed the House.

Also, that C. B. No. 56, entitled "An Act in relation to the election of county officers within the several counties of the Territory of Montana," had passed the House.

Also, that H. B. No. 18, entitled "An Act for the relief of Edward Lovelock and W. K. Roberts," had passed the House.

Mr. Rand introduced C. B. No. 68, entitled "An Act in relation to criminals on change of venue, and the manner of paying the expenses thereof." Read first and second time, and referred to the Committee of the Whole.

Mr. Watson introduced C. B. No. 29, entitled "An Act to provide compensation to John P. Bruce for services rendered the Territory of Montana."

Read first and second time, rules suspended, considered engrossed, read the third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Orr, Rand, Watson, and Mr. President—6.

Absent—Mr. Davis.

Title agreed to.

On motion of Mr. Rand, the vote by which H. B. No. 53, entitled "An Act supplementary to an act regulating the holding of elections in Montana Territory," was lost, was reconsidered.

The bill was then read for information, and placed upon its final passage, read third time, and lost by the following vote:

Ayes—Mr. Orr, and Mr. President—2.

Nays—Messrs. Corum, Cullen, Rand, and Watson—4.

Absent—Mr. Davis.

Title agreed to.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing—

That H. J. M. No. 5, "Asking Congress for an appropriation of \$1,100,000 to pay expenses of the Indian war," had passed the House.

Mr. Corum, chairman of the Special Committee, to whom was referred C. B. No. 45, entitled "An Act to amend an act relating to common schools," made the following report:

MR. PRESIDENT—Your Special Committee, to whom was referred C. B. No. 45, "An Act to amend an act relating to common schools," beg leave to report:

That they have met and conferred with the Committee appointed by the House for the purpose of conferring upon the amendments of the House to said bill, and after considering it with that diligence and care that its importance demands, your Committee are of the opinion that the House will never recede from, but will persistently adhere to its proposed amendments to said bill.

Your Committee, in view of this fact, and fully realizing the necessity of enacting such provisions as are to be found in said bill, without the section proposed to be stricken out by the House amendments, and believing that it is not expedient or practicable at this time to introduce the phonetic system of education into the schools of our Territory, would, in order that the disagreement between the two Houses may be reconciled, and that the important provisions in said bill, about which there is no disagreement, may be enacted, respectfully recommend that the House amendments be concurred in.

On motion of Mr. Corum, the report was adopted.

Whereupon the amendments of the House were concurred in.

Ayes—Messrs. Corum, Rand, and Mr. President—3.

Nays—Messrs. Orr and Watson—2.

Absent—Messrs. Cullen and Davis.

H. J. M. No. 5, "Asking Congress for an appropriation of \$1,100,000 for certain purposes." Read first and second time, and referred to Committee on Federal Relations.

H. B. No. 18, "entitled "An Act for the relief of Edward Lovelock and W. K. Roberts." Read first and second time, and referred to Committee of Ways and Means.

H. B. No. 51, entitled "An Act to amend an act to regulate proceedings in civil cases in courts of justice of the Territory of Montana." Read first and second time, and referred to the Committee on Judiciary.

H. B. No. 30, entitled "An Act regulating the fees of officers, jurors and witnesses, and to repeal an act entitled an act regulating the fees of officers, jurors and witnesses." Read first and second time, and referred to the Committee of the Whole.

H. B. No. 52, entitled "An Act to re-enact an act authorizing Samuel Weir and associates to construct a bridge across the Madison river," was taken up, the rules were suspended, bill considered as engrossed, read third time, and passed by the following vote :

Ayes—Messrs. Corum, Cullen, and Mr. President—3.

Nays—Messrs. Orr and Watson—2.

Absent—Messrs. Davis and Rand.

*Title agreed to.

H. B. No. 29, entitled "An Act relating to the discovery and possessory right of all placer mines," was taken up, rules suspended, bill considered as engrossed, read third time, and passed by the following vote :

Ayes—Messrs. Cullen, Orr, Watson, and Mr. President—4.

Nay—Mr. Corum.

Absent—Messrs. Davis and Rand.

Title agreed to.

H. B. No. 33, entitled "An Act to re-enact an act entitled an act to incorporate the Black Tail Deer and Helena Wagon Road

Company," was taken up, read third time, and lost by the following vote :

Ayes—Mr. Cullen, and Mr. President—2.

Nays—Messrs. Corum, Orr, Rand, and Watson—4.

Absent—Mr. Davis.

Mr. Corum gave notice that he would move to reconsider the vote by which the bill was lost.

H. B. No. 44, entitled "An Act to re-enact an act entitled an act authorizing Samuel Bressler, Robert Hedge, their associates, heirs and assigns, to construct and maintain a toll road from Virginia City, in Madison county, to Sterling, in Hot Spring district," was taken up, and laid on the table until to-morrow morning.

Mr. Cullen, chairman of the Committee on Enrollment, reported that he had presented C. B. No. 3, entitled "An Act requiring criminals to perform labor."

Also, C. B. No. 55, entitled "An Act to authorize the citizens of Jefferson county to change the county seat of said county."

Also, C. B. No. 48, entitled "An Act to authorize James M. Baily, his heirs and assigns, to construct and maintain a toll bridge on the Hell Gate river in Deer Lodge county."

Also, C. B. No. 4, entitled "An Act to amend an act entitled an act to regulate proceedings in civil cases in courts of justice of the Territory of Montana," to the Governor at 11 A. M., December 9, 1867.

On motion of Mr. Corum, the Council took a recess until 2 o'clock, P. M.

AFTERNOON SESSION.

The Council met at 2 P. M. Mr. President in the chair.

Roll called—absent, Mr. Davis.

Mr. Corum, chairman of the Committee on Elections, to whom was referred C. B. No. 64, "An Act supplementary to an act to regulate the holding of elections in Montana Territory, approved Jan. 17, 1865," made the following minority report:

MR. PRESIDENT—Your Committee on Elections, to whom was referred Council Bill No. 64, "An Act supplementary to an act to regulate the holding of elections in Montana Territory, approved Jan. 17, 1865," report that they have had the same under consideration, and recommend that it do not pass.

Mr. Rand from the same Committee, made the following minority report:

MR. PRESIDENT—Your Committee on Elections, to whom was referred Council Bill No. 64, "An Act supplementary to an act entitled an act regulating the holding of elections in Montana Territory, passed January 17, 1865," beg leave to make minority report, and recommend that the bill pass, with the following amendment:

Section 1, line 14, strike out "thirty" and insert "ten."

On motion of Mr. Rand, the majority report was laid upon the table.

On motion of Mr. Rand, the minority report was adopted.

On motion of Mr. Orr, the rules were suspended, bill considered engrossed, read third time, and lost by the following vote:

Aye—Mr. Orr.

Nays—Messrs. Corum, Rand, Watson, and Mr. President—4.

Absent—Messrs. Cullen and Davis.

Mr. Rand gave notice that he would move a reconsideration of the vote by which the bill was lost.

Mr. Watson, chairman of the Committee of Ways and Means, to whom was referred H. B. No. 18, entitled "An Act for the relief of Edward Lovelock and W. K. Roberts," made the following report :

MR. PRESIDENT—Your Committee of Ways and Means, to whom was referred House Bill No. 18, "An Act for the relief of Edward Lovelock and W. K. Roberts, sheriff of Edgerton county," beg leave to report they have had the same under consideration, and report the same back to the Council and recommend the passage of the same, and that the title be amended.

On motion of Mr. Corum, the report was adopted.

Mr. Corum, chairman of the Committee on Federal Relations, to whom was referred H. J. M. No. 5, "Asking Congress for an appropriation of \$1,100,000 for certain purposes," made the following report :

MR. PRESIDENT—Your Committee on Federal Relations, to whom was referred House Joint Memorial No. 5, "Asking Congress to appropriate moneys for certain purposes," beg leave to report the same back, and recommend its passage.

On motion of Mr. Orr, the report was adopted.

On motion of Mr. Corum, the memorial was considered engrossed, read third time, and passed by the following vote :

Ayes—Messrs. Corum, Orr, Watson, and Mr. President—4.

Nay—Mr. Rand.

Absent—Messrs. Cullen and Davis.

Title agreed to.

Mr. Watson, chairman of the Committee of Ways and Means, to whom was referred C. B. No. 63, entitled "An Act to provide increased compensation to the Hon. L. P. Williston," made the following report :

MR. PRESIDENT—Your Committee of Ways and Means, to whom was referred Council Bill No. 63, "An Act to provide increased compensation to Hon. L. P. Williston," beg leave to report that they have had the same under consideration, and report the same back to the Council, and recommend the passage of the same.

On motion of Mr. Rand, the report was adopted.

On motion of Mr. Rand, the vote by which H. B. No. 53, entitled "An Act supplementary to an act regulating the holding of elections in Montana Territory," was lost, was reconsidered.

The question now being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Ayes—Messrs. Orr, Rand, Watson, and Mr. President—4.

Absent—Messrs. Corum, Cullen, and Davis.

Title agreed to.

On motion of Mr. Rand, C. B. No. 64, entitled "An Act supplementary to an act entitled an act regulating the holding of elections in Montana Territory, approved January 17, 1865," was indefinitely postponed.

* A communication from His Excellency the Governor, through Mr. Cummings, his private secretary:

MR. PRESIDENT—I am directed by the Governor to inform the Council that he has approved—

Council Joint Memorial No. 1, "Joint Memorial to the honorable the Senate and House of Representatives of the United States in Congress assembled."

Also, Council Bill No. 40, "An Act concerning foreign corporations."

Also, Council Bill No. 42, "An Act to amend an act entitled an act to incorporate the city of Nevada, approved February 9, 1865."

Also, Council Bill No. 52, "An Act authorizing county clerks of the several counties in this Territory to appoint deputies."

Also, Council Bill No. 51, "An Act prohibiting the Territorial Auditor from issuing warrants to any person without express provision of law."

C. B. No. 63, entitled "An Act to provide increased compensation to Hon. L. P. Williston," was taken up, the rules suspended, bill considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Orr, Rand, Watson, and Mr. President—5.

Absent—Messrs. Cullen and Davis.

The title agreed to.

The Council then resolved itself into a Committee of the Whole. Mr. Watson in the chair:

The Committee arose, and asked leave to sit again.

The Council resumed its session. Mr. President in the chair.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing—

That C. B. No. 63, entitled "An Act to provide increased compensation to the Hon. L. P. Williston," had been rejected by the House.

That H. B. No. 57, entitled "An Act authorizing the county commissioners of Madison county to levy and collect a special tax for the purpose of erecting county buildings," had passed the House.

Also, that C. B. No. 49, entitled "An Act relative to the pre-emption of town sites upon public lands, and the disposal of the trusts created thereby," had passed the House.

Also, that C. B. No. 67, entitled "An Act for the relief of the Hon. J. H. Rodgers," had passed the House.

Also, that H. J. M. No. 6, "Asking for the establishment of a Branch Mint in the Territory of Montana," had passed the House.

Also, that H. B. No. 40, entitled "An Act supplementary to an act in relation to notaries public," had passed the House.

Also, that H. B. No. 55, entitled "An Act to re-enact an act to authorize Henry Gassett and James Sinclair to construct and maintain a ferry or bridge across the Jefferson river, passed and approved at the third session of the Legislative Assembly of the Territory of Montana," had passed the House.

Also, that H. B. No. 56, entitled "An Act to re-enact an act entitled an act to incorporate the Madison Bridge Company, passed and approved at the third session of the Legislative Assembly of the Territory of Montana," had passed the House.

Also, that C. B. No. 69, entitled "An Act to provide compensation to John P. Bruce for services rendered the Territory of Montana," had passed the House.

Also, that C. J. M. No. 2, "Asking for the establishment of postoffices and post routes," had passed the House.

A communication from His Excellency the Governor, announcing certain appointments.

Whereupon the Council went into executive session, and the following appointments were confirmed:

Sample Orr and A. A. Green, as notaries public of Meagher county.

On motion of Mr. Rand, the Council adjourned until to-morrow morning, at 10 o'clock.

THIRTY-SEVENTH DAY.

DECEMBER 10, 1867.

The Council met at 10 A. M. President Bagg in the chair.

Roll called—Mr. Davis absent.

Journal of yesterday read and approved.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing—

That C. B. No. 18, entitled "An Act to provide for the formation of corporations for certain purposes," had passed the House.

Also, that C. B. No. 60, entitled "An Act dissolving the bonds of matrimony between G. Jules Germain and Marie Germain," had been rejected by the House.

Also, that H. B. No. 50, entitled "An Act to define the boundary lines of Chouteau county, and to locate the county seat thereof," had passed the House.

Mr. Rand, chairman of the Committee on the Judiciary, to whom was referred C. B. No. 62, made the following report :

MR. PRESIDENT—Your Committee, the Judiciary, to whom was referred Council Bill No. 62, "An Act in relation to district officers within the several counties of this Territory," beg leave to report the same back to the Council, with amendments, and recommend its passage, as amended :

Add two new sections, to be numbered sections two and three. That sections two and three of the bill be numbered four and five.

On motion of Mr. Watson, the report was adopted.

On motion of Mr. Watson, the bill was referred to the Committee of the Whole.

H. B. No. 50, entitled "An Act to define the boundary lines of Chouteau county, and to locate the county seat thereof," was taken up, read first and second time, rules suspended, bill considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Orr, Rand, Watson, and Mr. President—6.

Mr. Davis absent.

Title agreed to.

H. B. No. 55, entitled "An Act to re-enact an act to authorize Henry Gassett and James Sinclair to construct and maintain a ferry or bridge across the Jefferson river," was taken up, read first and second time, rules suspended, bill considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, and Mr. President—3.

Nays—Messrs. Orr and Rand—2.

Mr. Watson excused from voting.

Mr. Davis absent.

Title agreed to.

H. J. M. No. 6, "Asking for the establishment of a branch mint in the Territory of Montana," was taken up, read first and second time, rules suspended, bill considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Orr, Watson, and Mr. President—4.

Absent—Messrs. Cullen, Davis, and Rand.

Title agreed to.

A communication from the House, through Mr. Shields, their Assistant Clerk, announcing—

That H. B. No. 54, entitled "An Act in relation to liens by attachments and judgments," had passed the House.

Also, that H. B. No. 11, entitled "An Act to amend an act entitled an act to incorporate the city of Virginia," had passed the House.

H. B. No. 40, entitled "An Act supplementary to an act in relation to notaries public," was taken up, read first and second time, and referred to the Committee on Judiciary.

H. B. No. 57, entitled "An Act authorizing the county commissioners of Madison county to levy and collect a special tax for the purpose of erecting county buildings," was taken up, read first and second time, and referred to a Special Committee of three, consisting of Messrs. Corum, Orr, and Davis.

H. B. No. 56, entitled "An Act entitled an act to re-enact an act to incorporate the Madison Bridge Company, passed and approved at the third session of the Legislature of the Territory of Montana," was taken up, read first and second time, rules suspended, bill considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, and Mr. President—3.

Nays—Messrs. Orr and Rand—2.

Mr. Watson excused from voting.

Mr. Davis absent.

Title agreed to.

Mr. Cullen, chairman of the Committee on Enrollment, to whom was referred—

C. B. No. 56, entitled "An Act in relation to the elections of county officers within the several counties of the Territory of Montana,"

Also, C. B. No. 67, entitled "An Act to provide compensation to the Hon. John H. Rodgers,"

Also, C. B. No. 50, entitled "An Act to define the boundary lines of the counties of Deer Lodge, Madison, and Beaver Head,"

Also, C. B. No. 58, entitled "An Act for the better observance of the Lord's Day,"

Reported the same as correctly enrolled.

Mr. Watson introduced C. B. No. 70, entitled "An Act to re-enact an act authorizing Henry Whaly, J. V. Stafford, and W. E. Pinney, and their associates, to establish and maintain a toll road from Cave City, in Cave Gulch, to the mouth of said gulch, in Meagher county, Montana Territory."

Read first and second time, rules suspended, bill considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Watson, and Mr. President—3.

Nay—Mr. Rand.

Mr. Orr excused from voting.

Absent—Messrs. Cullen and Davis.

Title agreed to.

H. B. No. 54, entitled "An Act in relation to liens by attachments and judgments," was taken up, read first and second time, and referred to the Committee of the Whole.

On motion of Mr. Corum, the vote by which H. B. No. 33 was lost, entitled "An Act to re-enact an act entitled an act to incorporate the Black Tail Deer and Helena Wagon Road Company," was reconsidered.

The question now being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Ayes—Messrs. Corum, Cullen, and Mr. President—3.

Nays—Messrs. Orr and Rand—2.

Mr. Watson excused from voting.

Mr. Davis absent.

Title agreed to.

H. B. No. 17, entitled "An Act concerning the registration of births and deaths," was taken from the table, and, on motion of Mr. Rand, was indefinitely postponed.

H. B. No. 44, entitled "An Act to re-enact an act authorizing Samuel Bressler, Robert Hedge, their associates, heirs and assigns, to construct a toll road from Virginia City, in Madison county, to Sterling, in Hot Spring district," was taken up, read third time, and passed by the following vote :

Ayes—Messrs. Corum, Cullen, Watson, and Mr. President—4.

Nay—Mr. Rand.

Mr. Orr excused from voting.

Mr. Davis absent.

Title agreed to.

H. B. No. 18, entitled "An Act for the relief of Edward Lovelock and W. K. Roberts," was taken up, read a third time, and passed by the following vote :

Ayes—Messrs. Corum, Cullen, Orr, Watson, and Mr. President—5.

Mr. Rand excused from voting.

Mr. Davis absent.

Title amended, and agreed to.

A communication from the House, by Mr. Shields, Assistant Clerk, announcing—

That H. B. No. 45, entitled "An Act to provide for laying out and establishing a territorial road from Bozeman City, in Gallatin county, to Helena City, in Edgerton county," had passed the House.

Also, that C. B. No. 27, entitled "An Act to regulate the proceedings and define the jurisdiction of the probate courts of this

Territory," had passed the House, with the following amendments:

Amend by striking out sections 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 95, and 97, and number the sections properly.

Mr. Corum, chairman of the Committee on Towns and Counties, made the following report:

MR. PRESIDENT—Your Committee on Towns and Counties, to whom was referred House Bill No. 57, "An Act authorizing the county commissioners of Madison county to levy and collect a special tax for the purpose of erecting county buildings," beg leave to report that they have duly considered said bill, and recommend its passage, with the following amendments:

In line 2nd, section 1, after the word "Madison," insert "and Jefferson," and in same line strike out the word "county," and insert "counties."

In section 2, line 5, after the word "Madison," insert "and Jefferson," and in 6th line strike out the word "county," and insert "counties."

And that title be so amended as to read "Madison and Jefferson counties."

On motion of Mr. Rand, the report was adopted.

On motion of Mr. Corum, the bill was ordered engrossed for a third reading.

C. B. No. 18 was taken up, and the amendments of the House concurred in, except the amendments to section 23 and section 1.

Mr. Cullen, chairman of the Committee on Enrollment, reported that he left—

C. B. No. 50, "An Act to define the boundary lines of the counties of Madison, Beaver Head, and Deer Lodge,"

Also, C. B. No. 56, entitled "An Act in relation to the election of county officers within the several counties of Montana,"

Also, C. B. No. 58, entitled "An Act for the better observance of the Lord's Day,"

Also, C. B. No. 67, entitled "An Act to provide compensation to Hon. John H. Rodgers,"

With the Governor at 12 M., December 10, 1867.

On motion of Mr. Rand, the Council took a recess until 2 P. M.

AFTERNOON SESSION.

The Council met at 2 P. M. Mr. President in the chair.

Roll called—Mr. Davis absent.

Mr. Cullen, chairman of the Committee on Enrollment, to whom was referred C. B. No. 36, entitled "An Act creating a board of special commissioners to build county buildings in Deer Lodge county,"

Also, C. B. No. 69, entitled "An Act to provide compensation to John P. Bruce for services rendered the Territory of Montana,"

Also, C. B. No. 54, entitled "An Act to provide for the care and support of territorial prisoners confined in the county jails of Montana Territory,"

Reported the same as correctly enrolled.

Mr. Corum, chairman of the Committee on Engrossment, to whom was referred H. B. No. 57, entitled "An Act authorizing the county commissioners of Madison county to levy and collect a special tax for the purpose of erecting county buildings," reported the same as correctly engrossed.

Mr. Corum, chairman of the Committee on Towns and Counties, to whom was referred H. B. No. 40, entitled "An Act supplementary to an act in relation to notaries public," made the following report:

MR. PRESIDENT—Your Committee on Towns and Counties, to whom was referred H. B. No. 40, "An Act supplementary to an act in relation to notaries public," have considered the same, and recommend its passage.

On motion of Mr. Rand, the report was laid on the table.

On motion of Mr. Rand, the bill was then indefinitely postponed by the following vote:

Ayes—Messrs. Cullen, Orr, Rand, Watson, and Mr. President—5.

Nay—Mr. Corum.

Mr. Davis absent.

Mr. Rand introduced C. J. R. No. 5, "Appropriating fifty dollars to Wm. Y. Lovell for services rendered the Territory."

Read first and second time.

Mr. Watson offered the following amendment:

Strike out "fifty," and insert "thirty."

On motion of Mr. Rand, the amendment was adopted.

On motion of Mr. Watson, the rules were suspended, the resolution considered as engrossed, read third time, and lost by the following vote:

Aye—Mr. Watson.

Nays—Messrs. Corum, Cullen, Orr, Rand, and Mr. President—5.

Mr. Rand gave notice that he would, on to-morrow, move a reconsideration of the vote by which the resolution was lost.

Mr. Rand introduced C. J. R. No. 6, "In relation to the distribution of the laws."

Read first and second time, rules suspended, resolution considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Orr, Rand, Watson, and Mr. President—6.

Mr. Davis absent.

Title agreed to.

A communication from His Excellency the Governor, through Mr. Cummings, his private secretary :

MR. PRESIDENT—His Excellency the Governor directs me to inform the Council that he has approved—

C. B. No. 55, "An Act to authorize the citizens of Jefferson county to change the county seat of said county."

Also, C. B. No. 10, "An Act declaring what shall constitute a lawful fence."

Also, C. B. No. 48, "An Act to re-enact an act entitled an act to authorize James M. Bailey, his heirs and assigns, to construct and maintain a toll bridge on the Hell Gate river, in Deer Lodge county."

Also, C. B. No. 67, "An Act authorizing the Auditor of the Territory to issue warrants in favor of Hon. John H. Rodgers, for services rendered."

Also, C. B. No. 4, "An Act to regulate proceedings in attachments in civil cases."

C. B. No. 27, entitled "An Act to regulate the proceedings and define the jurisdiction of the probate courts of this Territory," was taken up, and the amendment of the House concurred in.

C. B. No. 62, entitled "An Act in relation to the election of district officers within the several counties of Montana Territory,"

was, on motion of Mr. Watson, taken from the Committee of the Whole, and amendments adopted, and ordered engrossed for third reading.

A communication from the House, through Mr. Shields, their Assistant Clerk :

MR. PRESIDENT—I am directed to inform your honorable body—

That H. B. No. 2, "Authorizing Prof. G. C. Swallow to make a preliminary geological survey," has been indefinitely postponed.

That H. J. R. No. 7, "To amend Joint Rule No. 8," has passed the House.

That the House recedes from its amendments to C. B. No. 18.

That Mr. Conly introduced H. B. No. 59, "An Act supplementary to an act relating to the discovery of gold and silver quartz leads, lodes or ledges, and the manner of their location, approved December 26, 1864."

H. B. No. 45, entitled "An Act to provide for laying out and establishing a territorial road from Bozeman City, in Gallatin county, to Helena City, in Edgerton county," was read first and second time, and referred to the Committee of the Whole.

The Council then resolved itself into a Committee of the Whole. Mr. Watson in the chair.

The Committee arose.

The Council resumed its session. Mr. President in the chair.

Mr. Cullen, chairman of the Committee on Enrollment, reported that he had left—

C. B. No. 69, entitled "An Act to provide compensation to John P. Bruce for services rendered the Territory of Montana,"

Also, C. B. No. 54, entitled "An Act to provide for the care and support of territorial prisoners confined in the county jails of Montana Territory,"

Also, C. B. No. 36, entitled "An Act creating a board of special commissioners to build county buildings in Deer Lodge county,"

With His Excellency the Governor, at 3 P. M., December 10, 1867.

H. B. No. 57, entitled "An Act authorizing the county commissioners of Madison and Jefferson counties to levy a special tax for the purpose of erecting county buildings," was taken up, read third time, and passed by the following vote :

Ayes—Messrs. Corum, Cullen, Orr, Rand, Watson, and Mr. President—6.

Mr. Davis absent.

Title agreed to.

H. J. R. No. 7, "To amend Joint Rule No. 8," was taken up, read first and second time, rules suspended, considered engrossed, read third time, and passed by the following vote :

Ayes—Messrs. Corum, Cullen, Orr, Rand, Watson, and Mr. President—6.

Mr. Davis absent.

Title agreed to.

A communication from the House, through Mr. Shields, Assistant Clerk, announcing—

That C. B. No. 70, entitled "An Act to re-enact an act authorizing Henry Whaley, J. V. Stafford, and W. E. Pinney, to

establish and maintain a toll road from Cave City, in Cave Gulch, to the mouth of said gulch, in Meagher county, Montana Territory," had passed the House.

On motion of Mr. Corum, the Council adjourned until tomorrow morning, at 10 o'clock.

THIRTY-EIGHTH DAY.

DECEMBER 11, 1867.

The Council met at 10 o'clock, A. M. President Bagg in the chair.

Roll called—Mr. Davis absent on leave.

Journal of yesterday read and approved.

Mr. Cullen, chairman of the Committee on Enrollment, to whom was referred C. B. No. 70, entitled "An Act to re-enact an act authorizing Henry Whaley, J. V. Stafford and W. E. Pinney, and their associates, to establish and maintain a toll road from Cave City, in Cave Gulch, to the mouth of said gulch, in Meagher county, Montana Territory."

Also, C. B. No. 49, entitled "An Act relative to the pre-emption of town sites upon public lands, and the disposal of the trusts created thereby,"

Reported the same as correctly enrolled.

Mr. Corum, chairman of the Committee on Engrossment, to whom was referred C. B. No. 62, entitled "An Act in relation to the election of district officers within the several counties of the Territory of Montana," reported the same as correctly engrossed.

Mr. Watson, chairman of the Committee of the Whole, to whom was referred H. B. No. 11, entitled "An Act to amend an act to incorporate the city of Virginia,"

Also, H. B. No. 45, entitled "An Act to provide for laying out

and establishing a territorial road from Bozeman City, in Gallatin county, to Helena City, in Edgerton county,"

Also, H. B. No. 54, entitled "An Act in relation to liens by attachments and judgments,"

Also, C. B. No. 65, entitled "An Act to amend an act entitled an act to regulate the proceedings in civil cases in courts of justice of the Territory of Montana,"

Also, C. B. No. 66, entitled "An Act to provide for judgment upon failure to answer the complaint in civil cases,"

Made the following report :

MR. PRESIDENT—The Committee of the Whole, to whom was referred House Bills Nos. 11, 45 and 54, and Council Bills Nos. 65 and 66, report that they have had the same under consideration, and have instructed me to report the same back to the Council, and recommend that said bills be laid on the table until to-morrow.

On motion of Mr. Cullen, the report was adopted.

Mr. Watson, chairman of the Committee of the Whole, to whom was referred C. B. No. 68, entitled "An Act in relation to criminals on change of venue, and the manner of paying the expenses thereof," made the following report :

MR. PRESIDENT—The Committee of the Whole, to whom was referred C. B. No. 68, "An Act in relation to criminals on change of venue, and the manner of paying the expenses thereof," beg leave to report the same back to the Council without amendment, and recommend the passage of the same.

On motion of Mr. Cullen, the report was adopted.

On motion of Mr. Rand, the vote by which C. J. R. No. 5 was lost, appropriating \$30 to Wm. Y. Lovell, was reconsidered by the following vote :

Ayes—Messrs. Corum, Rand, Watson, and Mr. President—4.

Nays—Messrs. Cullen and Orr—2.

Mr. Davis absent on leave.

The question then being, "Shall this resolution pass?" it was decided in the affirmative by the following vote:

Ayes—Messrs. Corum, Rand, Watson, and Mr. President—4.

Nays—Messrs. Cullen and Orr—2.

Mr. Davis absent on leave.

Title agreed to.

C. B. No. 62, entitled "An Act in relation to the election of district officers, within the several counties of the Territory of Montana," was then taken up, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Rand, Watson, and Mr. President—5.

Nay—Mr. Orr.

Mr. Davis absent on leave.

Title agreed to.

C. B. No. 68, entitled "An Act in relation to criminals and change of venue, and the manner of paying the expenses thereof," was taken up, rules suspended, bill considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Orr, Rand, Watson, and Mr. President—6.

Mr. Davis absent on leave.

Title agreed to.

The Council then resolved itself into a Committee of the Whole. Mr. Watson in the chair.

The Committee arose.

The Council resumed its session. Mr. President in the chair.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing that—

C. J. R. No. 6, "In relation to the distribution of the laws," had passed the House, with the following amendments:

And firemen one copy each, and each county and territorial officer one copy each.

Strike out the word "and" between the words "Sergeant-at-arms" and "Doorkeeper."

Also, that H. J. R. No. 8, "Appropriating \$15 to William Deasey," had passed the House.

Mr. Watson, chairman of the Committee of the Whole, to whom was referred H. B. No. 30, entitled "An Act regulating the fees of officers, jurors and witnesses, and to repeal an act regulating the fees of officers, jurors and witnesses, approved February 9, 1865," made the following report:

MR. PRESIDENT—The Committee of the Whole, to whom was referred H. B. No. 30, "An Act regulating the fees of officers, jurors and witnesses, and to repeal an act regulating the fees of officers, jurors, and witnesses, approved February 9, 1865," report that they have had the same under consideration, and instruct me to report the same back to the Council with amendments (amendments attached), and recommend the passage of the same.

On motion of Mr. Rand, the report was laid on the table until to-morrow morning.

On motion of Mr. Cullen, the Council took a recess until 2 o'clock, P. M.

AFTERNOON SESSION.

The Council met at 2 o'clock, P. M. Mr. President in the chair.

Roll called—all present.

Mr. Cullen, chairman of the Committee on Enrollment, reported that he had left with His Excellency the Governor—

C. B. No. 70, entitled "An Act to re-enact an act authorizing Henry Whaley, J. V. Stafford and W. E. Pinney, and their associates, to establish and maintain a toll road from Cave City, in Cave Gulch, to the mouth of said gulch in Meagher county, Montana Territory,"

Also, C. B. No. 49, entitled "An Act relative to the pre-emption of town sites upon public lands, and the disposal of the trusts created thereby,"

At 12 m., December 11, 1867.

Mr. Cullen, chairman of the Committee on Enrollment, to whom was referred C. B. No. 45, entitled "An Act to amend an act to establish a common school system for the Territory of Montana," reported the same as correctly enrolled.

Mr. Corum introduced C. B. No. 71, entitled "An Act to re-enact an act authorizing Ray W. Andrews to construct and maintain a ferry across the Missouri river."

Read first and second time, rules suspended, bill considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, and Mr. President—3.

Nays—Messrs. Rand and Watson—2.

Mr. Orr excused from voting.

Mr. Davis absent on leave.

Title agreed to.

H. J. R. No. 8, "Appropriating money to Wm. Deascey," was taken up, read first and second time, and referred to the Committee of Ways and Means.

C. J. R. No. 6, "In relation to the distribution of the laws," was taken up, and the amendments of the House concurred in.

Mr. Watson, chairman of the Committee of the Whole, made the following report :

MR. PRESIDENT—The Committee of the Whole, to whom was referred C. B. No. 65 and C. B. No. 66, beg leave to report the same back to the Council, with the recommendation that they be laid on the table for the present.

On motion of Mr. Orr, the report was adopted.

Mr. Watson, chairman of the Committee of the Whole, made the following report :

MR. PRESIDENT—The Committee of the Whole, to whom was referred H. B. No. 45, "An Act to provide for laying out and establishing a territorial road from Bozeman City to Helena City," beg leave to report the same back to the Council, with the following amendments) :

Strike out the words "except as is hereafter provided," in the last two lines of section first.

2nd. Strike out section three, and insert, in lieu thereof, the following amendment (amendment attached).

In section five, line seven, insert after the word "sixty," in said line, the word "six."

And recommend that the same pass.

On motion of Mr. Corum, the report was adopted, and the amendments ordered engrossed for a third reading.

Mr. Watson, chairman of the Committee of the Whole, made the following report :

MR. PRESIDENT—The Committee of the Whole, to whom was referred H. B. No. 54, "An Act in relation to liens by attachments and judgments," beg leave to report the same back to the Council, with the following amendments :

1st. Strike out all of section 1, except the proviso, and insert as follows : (amendments to section one attached.)

2nd. Strike out section two and section three.

And recommend the passage of the same; and have instructed me to report H. B. No. 11 back to the Council, with a recommendation that the same be laid on the table for the present.

On motion of Mr. Corum, the report was adopted, and the amendments ordered engrossed for a third reading.

The Council resolved itself into a Committee of the Whole. Mr. Watson in the chair.

The Committee arose.

The Council resumed its session. Mr. President in the chair.

Mr. Watson, chairman of the Committee of the Whole, made the following report:

MR. PRESIDENT—The Committee of the Whole, to whom was referred H. B. No. 11, "An Act to amend an act to incorporate the city of Virginia, approved December 30, 1864, and for the repeal of certain parts of said act," beg leave to report the same back as amended (amendments attached), and recommend the passage of the same.

On motion of Mr. Corum, the report was adopted, and the amendments ordered engrossed for a third reading.

Mr. Corum, chairman of the Committee on Engrossment, to whom was referred H. B. No. 54, entitled "An Act in relation to liens by attachments and judgments," reported the same as correctly engrossed.

The bill was then read a third time, and passed by the following vote:

Ayes—Messrs. Corum, Orr, Rand, Watson, and Mr. President
—5.

Mr. Cullen absent.

Mr. Davis absent on leave.

Title agreed to.

Mr. Corum, chairman of the Committee on Engrossment, to whom was referred H. B. No. 11, entitled "An Act to amend an act to incorporate the city of Virginia," reported the same as correctly engrossed.

The bill was then read a third time, and passed by the following vote:

Ayes—Messrs. Corum, Orr, Rand, and Watson—4.

Nay—Mr. President.

Mr. Cullen absent.

Mr. Davis absent on leave.

Title agreed to.

Mr. Corum, chairman of the Committee on Engrossment, to whom was referred H. B. No. 45, entitled "An Act to provide for laying out and establishing a territorial road from Bozeman City, in Gallatin county, to Helena City, in Edgerton county," reported the amendments as correctly engrossed.

The bill was then read a third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Orr, Rand, Watson, and Mr. President—6.

Mr. Davis absent on leave.

Title agreed to.

On motion of Mr. Corum, C. B. No. 44, entitled "An Act for the relief of Edward Lovelock and W. K. Roberts," was indefinitely postponed.

Mr. Corum introduced C. J. R. No. 7, "Authorizing the Secretary to make corrections in orthography, etc."

Read first and second time, rules suspended, bill considered as engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Orr, and Watson—4.

Nays—Mr. Rand, and Mr. President—2.
Mr. Davis absent on leave.

Title agreed to.

On motion of Mr. Orr, the Council adjourned until to-morrow morning, at 10 o'clock.

THIRTY-NINTH DAY.

DECEMBER 12, 1867.

The Council met at 10 A. M. President Bagg in the chair.

Roll called—Mr. Davis absent on leave.

Journal of yesterday read and approved.

On motion of Mr. Watson, H. B. No. 30, entitled "An Act regulating the fees of officers, jurors and witnesses, and to repeal an act entitled an act regulating the fees of officers, jurors and witnesses," was taken from the table.

A motion by Mr. Cullen, that the amendments be engrossed for a third reading, was lost by the following vote :

Ayes—Messrs. Corum, Cullen, and Orr—3.

Nays—Messrs. Rand, Watson, and Mr. President—3.

Absent—Mr. Davis, on leave.

Mr. Watson, offered the following substitute to the bill, which, on motion of Mr. Rand, was adopted :

Strike out all after the enacting clause and insert the following :

SECTION 1. That where said act, to which this is amendatory, shall read, "for each mile traveled, in all cases, fifty cents," in that subdivision relating to the fees of sheriffs, be so amended as to read, "for each mile traveled, in all cases, twenty-five cents."

Also, at the end of that subdivision of said act to which this is amendatory, relating to the fees of recorder, is hereby made to read :

"For making abstract of title, for the first conveyance, one dollar, each subsequent, fifty cents; for making abstract, each original entry, twenty-five cents; for recording quartz claims, discovery claim, one dollar, each pre-emptory claim, one dollar and fifty cents."

Also, that subdivision in relation to justices of the peace, where it reads :

"For issuing a writ and summons for one person, one dollar and fifty cents," it is made to read "one dollar;" where it reads "for each additional name therein, one dollar," shall read "fifty cents."

That where it says, "writ of replevin and bond for the same, two dollars and fifty cents," shall read, "writ of replevin and bond for the same, two dollars."

This act to take effect and be in force from and after its passage.

Mr. Orr offered the following amendment to the substitute, which, on motion of Mr. Corum, was adopted :

Amend section 1, by adding after the word "sheriff," "and all other officers, witnesses and jurors," and by striking out "twenty-five cents" and inserting "thirty cents."

The bill was then read a third time, and passed by the following vote :

Ayes—Messrs. Corum, Orr, Rand, Watson, and Mr. President
—5.

Nay—Mr. Cullen.

Absent—Mr. Davis, on leave.

On motion of Mr. President, the title was amended as follows :

"An Act to amend an act regulating the fees of officers, jurors, and witnesses, approved February 9, A. D. 1865."

A communication from the House, through Mr. Barrett, Chief Clerk, announcing—

That C. J. No. 5 was laid on the table.

Also, that C. B. No. 71, "An Act to re-enact an act authorizing R. W. Andrews to establish a ferry on the Missouri," was laid on the table.

Also, that C. J. R. No. 7, "Authorizing the Secretary to make corrections in orthography, etc.," had passed the House.

Also, that H. B. No. 61, entitled "An Act to provide compensation to James Tufts, Secretary of Montana," had passed the House.

A message from His Excellency the Governor, through Mr. Cummings, his private secretary :

EXECUTIVE OFFICE, TERRITORY OF MONTANA, }
VIRGINIA CITY, Dec. 12, 1867. }

MR. PRESIDENT—His Excellency the Governor directs me to inform your honorable body that he has approved C. B. No. 69, "An Act to provide compensation to John P. Bruce, for services rendered the Territory of Montana."

Also, C. B. No. 56, "An Act for the better observance of the Lord's day."

Also, C. B. No. 69, "An Act in relation to the elections of county officers within the several counties of the Territory of Montana."

Also, C. B. No. 54, "An Act to provide for the care and support of territorial prisoners confined in the county jails of Montana Territory."

Also, C. B. No. 36, "An Act creating a board of special commissioners to build county buildings in Deer Lodge county."

Also, C. B. No. 50, "An Act to define the boundary lines of Deer Lodge, Beaver Head and Madison counties."

A communication from the House, through Mr. Barrett, Chief Clerk, announcing that the following resolution had passed the House :

Be it resolved by the House of Representatives of the Territory of Montana: That the Fourth Legislative Assembly of Montana,

do adjourn *sine die* at midnight of Friday, the 13th of December, 1867.

Mr. Watson, chairman of the Committee of Ways and Means, to whom was referred H. J. R. No. 8, appropriating fifteen dollars to William Deascey, made the following report :

MR. PRESIDENT—Your Committee of Ways and Means, to whom was referred House Joint Resolution, No. 8, "Appropriating money to William Deascey for services rendered the Territory," report the same back to the Council, and recommend the passage of the same.

On motion of Mr. Cullen, the report was adopted.

The resolution was then read a third time, and passed by the following vote :

Ayes—Messrs. Corum, Cullen, Orr, and Watson—4.

Nays—Mr. Rand, and Mr. President—2.

Absent—Mr. Davis, on leave.

Title agreed to.

H. B. No. 61, entitled "An Act to provide compensation to James Tufts, Secretary of Montana Territory."

Read first and second time.

Mr. Rand offered the following amendment :

SECTION 3. There is hereby appropriated to the Hon. L. P. Williston, the sum of one thousand dollars per year, extra compensation for holding courts in the counties of Beaver Head and Missoula, and the Territorial Auditor is hereby authorized to issue his warrant each quarter for such amount as may be due.

That section 3 of the bill be numbered section 4.

On motion of Mr. Corum, the amendment was adopted.

On motion of Mr. Rand, the amendment was considered as engrossed, bill read third time, and passed by the following vote :

Ayes—Messrs. Corum, Cullen, Rand, Watson, and Mr. President—5.

Nay—Mr. Orr.

Absent—Mr. Davis, on leave.

On motion of Mr. Rand, the title was amended so as to read as follows :

“An Act to provide extra compensation to James Tufts and L. P. Williston.”

And agreed to.

House Concurrent Resolution was then taken up and laid on the table for future consideration.

Mr. Corum introduced C. B. No. 72, entitled “An Act to provide compensation to E. S. Wilkinson and Peter Ronan for printing.

Read first and second time, rules suspended, bill considered as engrossed, read third time, and passed by the following vote :

Ayes—Messrs. Corum, Cullen, Orr, Rand, Watson, and Mr. President—6.

Absent—Mr. Davis, on leave.

Title agreed to.

Mr. Corum introduced C. J. R. No. 8, “To provide compensation to J. J. Roe & Co.”

Read first and second time, rules suspended, considered as engrossed, read third time, and passed by the following vote :

Ayes—Messrs. Corum, Cullen, Orr, Rand, Watson, and Mr. President—6.

Absent—Mr. Davis, on leave.

Title agreed to.

A communication from the Governor, through Mr. Brown :

MR. PRESIDENT—I am directed by the Governor to inform the Council that he has this day approved Council Bill No. 49, entitled “An Act relative to the pre-emption of town sites upon public lands, and the disposal of the trusts created thereby.”

Also, "An Act entitled an act to re-enact an act authorizing Henry Whaley, Joseph V. Stafford, William E. Pinney, and their associates, to establish and maintain a toll road from Cave City in Cave Gulch, to the mouth of said gulch, in Meagher county, Montana Territory."

A communication from the House, through Mr. Barrett, Chief Clerk, announcing—

That the House had concurred in the Council amendments to H. B. No. 11, entitled "An Act to amend an act to incorporate the City of Virginia."

Also, that C. B. No. 62, entitled "An Act in relation to the election of district officers within the several counties of the Territory of Montana," had passed the House.

Also, that H. B. No. 34, entitled "An Act for the establishment of territorial hospitals," had passed the House.

Also, that H. B. No. 46, entitled "An Act providing for the collection of revenue," had passed the House.

H. B. No. 34, entitled "An Act for the establishment of territorial hospitals."

Read first and second time, and referred to the Committee of the Whole.

H. B. No. 46, entitled "An Act providing for the collection of revenue."

Read first and second time, and referred to the Committee of the Whole.

On motion of Mr. Cullen, the Council took a recess until 2 P. M.

AFTERNOON SESSION

The Council met at 2 P. M. Mr. President in the chair.

Roll called—Mr. Davis absent on leave.

The Council resolved itself into a Committee of the Whole. Mr. Corum in the chair.

The Committee arose.

The Council resumed its session. Mr. President in the chair.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing—

That H. J. R. No. 9, "Authorizing the Auditor to draw certain warrants," had passed the House.

Also, that the following resolution had passed the House :

H. J. R. No. 10, "Requesting the Hon. H. L. Hosmer and L. E. Munson to resign their seats as Judges of the Supreme Court of the Territory of Montana."

Whereas, the Hon. L. E. Munson, in political malice toward a majority of the people of Montana Territory, and more especially with the view of obtaining the extra compensation appropriated by the Bannack Legislature, which compensation was repealed by the Legislature at its third session—did induce the Congress of the United States to annul *all* the laws passed at two sessions of the Legislative Assembly of Montana, thereby creating anarchy and confusion, and jeopardizing the rights of property and the general interests of the people.

And, whereas, the Hon. H. L. Hosmer, by lending assistance and indorsing the course of his associate, the Hon. L. E. Munson, did violate the will of the people, and thereby bring disgrace

on an honorable office; and further, that, said L. E. Munson and H. L. Hosmer have polluted the judicial ermine of the Supreme Court of this Territory by dabbling in the filthy pool of politics.

And further, that said H. L. Hosmer has denied the right to a change of venue, in violation of the laws of the Territory.

And, whereas, the said L. E. Munson and H. L. Hosmer are incompetent and not trustworthy as Judges of the Supreme Court of the Territory of Montana.

Therefore be it Resolved by the House of Representatives, the Council concurring: That the said L. E. Munson and H. L. Hosmer be and they are hereby respectfully requested by a majority of the people of Montana, through their representatives, to immediately resign their respective offices, that the same may be filled by competent and able judges who may have the confidence and respect of the Territory.

And be it further Resolved, That the Chief Clerk of this House be required to furnish the said judges with certified copies of these resolutions.

Also, that C. B. No. 72, entitled "An Act to provide compensation to E. S. Wilkinson and Peter Ronan for printing," had passed the House.

Also, that the House had refused to concur in the Council amendments to H. B. No. 30, entitled "An Act regulating the fees of officers, jurors and witnesses, and to repeal an act entitled an act regulating the fees of officers, jurors and witnesses," and asked the Council to recede from said amendments.

Also, that the House had refused to concur in the Council amendments to H. B. No. 61, entitled "An Act to provide compensation to the Hon. James Tufts, Secretary of Montana Territory," and asked the Council to recede from said amendments.

Also, that the House had refused to concur in the Council amendments to H. B. No. 54, entitled "An Act in relation to liens by attachments and judgments," and asked the Council to recede from said amendments.

Also, that the House had concurred in the Council amendments

to H. B. No. 45, entitled "An Act to provide for laying out and establishing a territorial road from Bozeman City, in Gallatin county, to Helena City, in Edgerton county."

Also, that H. B. No. 59, entitled "An Act supplementary to an act relating to the discovery of gold and silver quartz lodes," had passed the House.

H. J. R. No. 9, "Authorizing the Auditor to issue warrants for certain purposes."

Read first and second time.

Mr. Davis offered the following amendment :

Amend by adding at the end of the resolution, "Also, one hundred and twenty dollars to John P. Bruce for publishing five hundred copies of the Governor's Message."

On motion of Mr. Rand, the amendment was adopted, and ordered engrossed for a third reading.

H. B. No. 30, entitled "An Act regulating the fees of officers, jurors and witnesses," was taken up, and the Council refused to recede from the amendments to the bill, and insist upon the House concurring therein by the following vote :

Ayes—Messrs. Corum, Rand, Watson, and Mr. President—4.

Nays—Messrs. Cullen and Orr—2.

Absent—Mr. Davis, on leave.

H. B. No. 54, entitled "An Act in relation to liens by attachments and judgments," was taken up, and the Council refused to recede from the amendments to the bill, and insist upon the House concurring therein.

H. B. No. 61, entitled "An Act to provide compensation to James Tufts, Secretary of Montana," was taken up, and the Council refused to recede from the amendments to the bill, and insist upon the House concurring therein by the following vote :

Ayes—Messrs. Corum, Cullen, Rand, Watson, and Mr. President—5.

Nays—Messrs. Davis and Orr—2.

H. J. R. No. 10, "Requesting the Hon. H. L. Hosmer and L. E. Munson to resign their seats as Judges of the Supreme Court of the Territory of Montana."

Read first and second time, and, on motion of Mr. President, indefinitely postponed by the following vote:

Ayes—Messrs. Davis, Rand, Watson, and Mr. President—4.

Nays—Messrs. Corum, Cullen, and Orr—3.

H. B. No. 59, entitled "An Act supplementary to an act relating to the discovery of gold and silver quartz lodes," was taken up, read first and second time, and, on motion of Mr. President, indefinitely postponed.

On motion of Mr. Orr, the Council adjourned until to-morrow morning, at 10 o'clock.

FORTIETH DAY

DECEMBER 13, 1867.

The Council met at 10 A. M. President Baggs in the chair.

Roll called—Mr. Davis absent on leave.

Journal of yesterday read and approved.

Mr. Corum, chairman of the Committee on Engrossment, reported H. J. R. No. 9 as correctly engrossed.

Mr. Corum, chairman of the Committee of the Whole, reported H. B. No. 34 back, recommending that the same be indefinitely postponed.

On motion of Mr. Watson, the report was adopted.

H. C. R., in relation to the adjournment of the Legislative Assembly, was taken from the table, and passed by the following vote:

Ayes—Messrs. Corum, Cullen, Orr, Watson, and Mr. President—5.

Nay—Mr. Rand.

Mr. Davis absent on leave.

A communication from the House, through Mr. Barrett, Chief Clerk, announcing—

That a substitute to C. B. No. 47, "Apportioning the Council and Representative Districts of the Territory of Montana," had passed the House.

Also, that the House had appointed as a Committee of Conference on H. B. No. 61, Messrs. Anderson, Tennant, and Weston.

Also, that H. B. No. 63 had been lost in the House.

The following individuals were then appointed as Committee of Conference, to act in conjunction with like Committee from the House :

On H. B. No. 61, Messrs. Rand, Corum, and Cullen.

On House Bills Nos. 30 and 54, Messrs. Orr, Watson, and Cullen.

Substitute for C. B. No. 47 read first and second time, considered engrossed, read third time, and passed by the following vote :

Ayes—Messrs. Corum, Cullen, Orr, Rand, Watson, and Mr. President—6.

Mr. Davis absent on leave.

A communication from the House, announcing—

That C. J. R. No. 8, "To provide compensation to J. J. Roe & Co.," had passed the House.

Mr. Rand, chairman of the Conference Committee on H. B. No. 61, made the following report :

MR. PRESIDENT—Your Committee of Conference on House Bill No. 61, beg leave to report that they have had such conference, and the Committee have instructed me to report that they cannot agree.

Mr. Rand introduced C. J. R. No. 9, "Appropriating extra compensation to the Second Assistant Clerks of the Legislative Assembly."

Read first and second time, rules suspended, bill considered as engrossed, read third time, and passed by the following vote :

Ayes—Messrs. Corum, Orr, Rand, and Mr. President—4.

Absent—Messrs. Cullen, Davis, and Watson.

Title agreed to.

Mr. Bagg introduced C. J. R. No. 10, "A request by the Legislative Department, asking L. E. Munson and H. L. Hosmer, Judges, to resign."

Read first and second time, and laid on the table until this afternoon, at 2½ o'clock.

H. J. R. No. 9, "Authorizing the Auditor of Montana Territory to issue certain warrants," was taken up, read third time, and passed by the following vote:

Ayes—Messrs. Corum, Orr, Rand, and Mr. President—4.

Absent—Messrs. Cullen, Davis, and Watson.

Title agreed to.

On motion of Mr. Rand, the Council took a recess until 2½ o'clock, P. M.

AFTERNOON SESSION.

The Council met at 2½ o'clock, P. M. Mr. President in the chair.

Roll called—Mr. Davis absent on leave.

Mr. Cullen, chairman of the Committee on Enrollment, reported Council Bills Nos. 27, 62 and 72, as correctly enrolled, and C. J. M. No. 2, C. J. R. No. 7, C. J. R. No. 6, and C. J. R. No. 8, as correctly enrolled.

Mr. Orr, from Conference Committee, made the following report:

MR. PRESIDENT—Your Committee, appointed by the Council to confer with a Committee of the House, upon House Bill No. 54, being "An Act in relation to liens by attachment and judgment," beg leave to report to the Council that your Committee have conferred with the House Committee in regard to the matters of difference upon said bill, and recommend that the Council recede

from their amendments to said bill, and also recommend that the Council pass said bill, with the following amendments :

In section 1, line 6, after the word "writ," and before the word "and," insert the words, "In the order in which they are levied."

At the end of section 1, add the following :

"*Provided*, further, that the first writ placed in the hands of the officer shall be levied first."

Strike out the words "and all other property, except personal property," in the twelfth and thirteenth lines.

The bill was then read as amended, and passed by the following vote :

Ayes—Messrs. Corum, Cullen, Orr, Watson, and Mr. President—5.

Nay—Mr. Rand.

Mr. Davis absent on leave.

Title agreed to.

Mr. Cullen, from the Conference Committee, made the following report :

MR. PRESIDENT—Your Committee of Conference, appointed to meet a like Committee on the part of the House, with reference to the disagreement of the two Houses, relating to Council amendments to House Bill No. 30, have instructed me to report that the Joint Committee have been unable to agree to any adjustment of the difficulty.

C. J. R. No. 10 taken up, read third time, and passed by the following vote :

Ayes—Messrs. Corum, Cullen, Orr, Watson, and Mr. President—5.

Nays—Messrs. Davis and Rand—2.

Title agreed to.

A communication from His Excellency the Governor, announcing certain appointments.

Whereupon, the Council went into executive session, and the following appointments were confirmed:

Legh R. Freeman, of Big Horn county; J. J. McLean, of Meagher county; J. W. Allimony, of Meagher county; J. A. Simms, of Missoula county; R. W. Minnus, of Edgerton county; W. G. Barkley, of Madison county; and E. B. Waterbury, of Deer Lodge county, as Notaries Public.

The executive session dissolved.

The Council resumed its session. Mr. Corum in the chair.

Mr. Cullen, chairman of the Committee on Enrollment, reported that he had left the following bills with the Governor, at 3 o'clock, P. M., December 13, 1867:

C. B. No. 18, C. B. No. 62, C. J. R. No. 8, C. J. M. No. 2, C. B. No. 72, C. B. No. 47, C. J. R. No. 6.

A communication from the House, through Mr. Shields, Assistant Clerk, announcing that the following resolution had passed the House:

Resolved, That a Committee of three be appointed to wait on the Governor, to act with a similar Committee from the Council, to inform him that the Legislative Assembly have adopted a joint resolution to adjourn this Friday, at 12 o'clock, midnight, December 13, 1867, and inquire if His Excellency has any further communication to make.

Messrs. Word, Comly, and Weston, were appointed as said Committee.

Whereupon the President appointed as such Committee from the Council, Messrs. Watson, Corum, and Orr.

A communication from the House, announcing that C. J. R. No. 9 had been laid on the table.

On motion of Mr. Corum, the Council took a recess until 7 P. M.

EVENING SESSION.

The Council met at 7 P. M. President Bagg in the chair.

Roll called—all present.

Mr. Rand introduced the following resolution:

Resolved, That Thomas B. Wade, Chief Clerk; C. C. Me-naugh, Assistant Clerk; H. H. Showers, Engrossing Clerk; D. B. Jenkins, Enrolling Clerk; C. B. Robinson, Assistant Engrossing and Enrolling Clerk; S. R. Elwell, Sergeant-at-Arms; John Thompson, Doorkeeper; S. Chamberlain, Fireman; and Perry Johnson, Page of the Council, be, and they are hereby tendered a vote of thanks by its members for the faithful and impartial manner in which they have discharged their several duties during this session.

On motion of Mr. Bagg, the resolution was adopted.

Mr. Bagg offered the following resolution:

Resolved, By the Council of the Legislative Assembly of the Territory of Montana, That we tender our regards to the Hon. James Tufts for the prompt, efficient and affable manner he has facilitated the legislation in this body, as Secretary of the Territory of Montana."

On motion of Mr. Rand, the resolution was unanimously adopted.

Mr. Bagg offered the following resolution:

Resolved, By the Council of the Legislative Assembly of the Territory of Montana, That we tender the thanks of this Council to the editor and proprietors of the *Montana Post* for the prompt and obliging manner they have done the printing (under the direction of the Secretary of the Territory) for this body, during the present session.

On motion of Mr. Rand, the resolution was adopted.

A communication from the House, through Mr. Shields, Assistant Clerk, announcing—

That the Council amendments to H. J. R. No. 9 had been concurred in.

A communication from His Excellency the Governor, through Mr. Brown, his private secretary, announcing—

That His Excellency had approved C. B. No. 72, C. B. No. 45, C. J. R. No. 7, C. J. R. No. 8, C. J. R. No. 6, C. J. M. No. C. B. No. 47, and C. B. No. 18.

On motion of Mr. Davis, the following resolution was unanimously adopted:

Resolved, That the thanks and gratitude of this Council is hereby tendered to Chas. S. Bagg for the able, efficient and impartial manner he has discharged the duties of the office of President of this Council during the present session.

A communication from the House, announcing that the following resolution had passed the House:

Resolved, By the House of Representatives, the Council concurring, That the Legislative Assembly of the Territory of Montana adjourn *sine die*, at 9 P. M., this 13th day of December, 1867, and the resolution providing for adjournment at 12 P. M., is hereby repealed.

On motion of Mr. Rand, the resolution by which the Legislative Assembly was to adjourn at midnight, December 13, 1867, is hereby repealed, and the resolution from the House, adjourning *sine die*, at 9 o'clock, P. M., December 13, 1867, was adopted.

Journal read and approved.

The Council adjourned *sine die* at 9 P. M.

CHAS. S. BAGG,
President.

THOMAS B. WADE,
Chief Clerk.

COUNCIL CHAMBER, VIRGINIA CITY, M. T., }
December 13, 1867.

I, Thomas B. Wade, Chief Clerk of the Council of the Legislative Assembly of the Territory of Montana, do hereby certify that the above and foregoing is a full, true and complete journal of the proceedings had at the Fourth Session of the Legislative Assembly.

THOMAS B. WADE,
Chief Clerk.

Attest:

CHAS. S. BAGG,
President of the Council.

INDEX.

ALLIMONY, J. J.	Page
Confirmed as notary public for Meagher county,	238
AQUEDUCTS. (<i>See Bridges, H. B. 9.</i>)	
ARSENAL	
Message of Governor relative to,	106
Message referred to Committee of Ways and Means,	107
ARSENAL, resolution for appointment of Committee in relation to.	
Adopted,	114
ARSENAL LOT, resolution making appropriation for, (C. J. R. 3.)	
Laid on table,	120
ARSENAL AND MAGAZINE, resolution authorizing Auditor to pay	
for, (H. J. R. 1.)	
Message of House relative to,	59
Read first and second time,	63
Referred to Committee on Military Affairs,	63
Report of said Committee on,	68
Referred to Committee of Ways and Means,	68
Report of said Committee on,	110
Reports of Special Committee on,	121, 144
ASSESSOR OF MEAGHER COUNTY. (<i>See McClintock, J. F.</i>)	
ATTACHMENTS AND JUDGMENTS, an act in relation to liens by,	
(H. B. 54)	
Message of House relative to,	205
Read first and second time,	206
Referred to Committee of the Whole,	206

ATTACHMENTS AND JUDGMENTS, an act, etc. — Continued.

	Page
Reports of Committee of the Whole on, ...	216, 220
Reported engrossed, ...	221
Read third time, ...	221
Passed, ...	221
Message of House relative to, ...	231
Council refused to recede from amendments to, ...	232
Appointment of Conference Committee, ...	235
Report of said Committee on, ...	236
Amended, ...	237
Passed, ...	237

**ATTORNEYS AND COUNSELORS AT LAW, an act relative to,
(C. B. 26.)**

Read first and second time, ...	49
Referred to Judiciary Committee, ...	49
Report of Committee on, ...	77
Read third time, ...	101
Passed, ...	101
Message of House relative to, ...	117

AUDITOR, TERRITORIAL.

Election of, ...	84
Appointment of Committee to settle with, ...	169

**AUDITOR AND TREASURER OF MONTANA TERRITORY, an act
defining duties of, (C. B. 21.)**

Read first and second time, ...	41
Referred to Judiciary Committee, ...	41
Report of Committee on, ...	99
Passed to third reading, ...	99
Read third time, ...	101
Passed, ...	101
Message of House relative to, ...	113
Amendment of House concurred in, ...	139
Reported enrolled, ...	157
Approval of, ...	178

**AUDITOR, TERRITORIAL, an act prohibiting, from issuing warrants
without express provision of law, (C. B. 51.)**

Read first and second time, ...	157
Read third time, ...	157
Passed, ...	157
Message of House relative to, ...	161
Reported enrolled, ...	167
Report of Enrollment Committee on, ...	179
Message of House relative to, ...	193
Approval of, ...	201

BAGG, CHARLES S. Member of Council.	Page
Took oath of office,	6
Motions by,	7, 159, 186, 225, 233, 239
Offered resolutions,	82, 239
Introduced bills,	116, 128, 148, 153, 157, 164, 193, 235
Resolution of thanks to,	240

BAILEY, JAMES M. (*See Hell Gate, C. B. 48.*)

BARCLAY, MR.	
Nominated for Treasurer,	84
Elected,	86

BARKLEY, W. G.	
Nomination of, as notary public, of Madison county, confirmed,	238

BARNES, JOHN.	
Nominated for Commissioner of Meagher county,	110
Nomination of, confirmed,	110

BARR, A. J. (*See Missouri River, H. B. 13.*)

BEAVERHEAD WAGON ROAD COMPANY, an act to re-enact an act entitled an act to incorporate, (H. B. 16.)	
Message of House relative to,	135
Read first and second time,	135
Referred to Committee on Incorporations,	135
Report of Committee on,	141
Read third time,	182
Passed,	182

BENEVOLENT INSTITUTIONS. (*See Religious Institutions.*)

BERKIN, WM.	
Nomination of, confirmed,	155

BERNARD, CHARLES.	
Nomination of, as justice of the peace, Deer Lodge county, confirmed,	177

BILLS, COUNCIL List of.

- No. 1. Missoula county, an act to locate county seat of.
- No. 2. Criminals, an act requiring them to perform labor.
- No. 3. Debt of Territory, an act to provide for funding of.
- No. 4. Civil cases, an act to amend an act to regulate proceedings in, in
courts of Territory.
- No. 5. Gold and silver quartz lodes, an act to amend an act relating to
discovery of.

BILLS, COUNCIL—*Continued.*

- No. 6. Treasurers, county, an act defining duties of.
- No. 7. Legislative Assembly, an act fixing time of meeting of.
- No. 8. Descents and distributions, an act regulating.
- No. 9. Highways, an act concerning, and to prevent obstruction of.
- No. 10. Fence, lawful, an act declaring what shall constitute.
- No. 11. Census, an act to provide for, in 1868.
- No. 12. Missoula county, an act to define boundary lines of.
- No. 13. Edgerton county, an act to establish boundaries of.
- No. 14. Religious, charitable and benevolent institutions, an act to invest with corporate powers.
- No. 15. Intoxicating liquors, an act to prohibit sale of, to Indians.
- No. 16. Interest, an act fixing rate of.
- No. 17. Gallatin county, an act to divide.
- No. 18. Corporations, an act to provide for formation of.
- No. 19. Debt of counties, an act to authorize county commissioners to fund.
- No. 20. Elections, an act amendatory of an act regulating.
- No. 21. Auditor and Treasurer, Territorial, an act defining duties of.
- No. 22. Master in chancery, an act creating, and defining duties of.
- No. 23. Lannier, Mary E. and Amos, an act to dissolve bonds of matrimony between.
- No. 24. Penitentiary of Territory, an act locating.
- No. 25. Findlay, Robert K. and Elizabeth, an act to dissolve bonds of matrimony between.
- No. 26. Attorneys and counselors at law, an act relative to.
- No. 27. Probate courts, an act regulating the proceedings and defining jurisdiction of.
- No. 28. Schools, common, an act to provide for system of, for Territory.
- No. 29. Estrays and lost goods, an act concerning.
- No. 30. Officers, an act to amend an act to provide increased compensation to.
- No. 31. Jurors, an act concerning.
- No. 32. Weights and measures, an act regulating.
- No. 33. Treasurers, county, an act supplementary to an act in relation to.
- No. 34. Jefferson county, an act to define boundary lines of.
- No. 35. District courts of Territory, an act to legalize proceedings of.
- No. 36. Deer Lodge county, an act creating board of special commissioners in.
- No. 37. Gallatin county, an act authorizing location of county seat of.
- No. 38. Missoula county, an act authorizing county commissioners to raise special tax for.
- No. 39. Limitations, an act concerning.
- No. 40. Corporations, foreign, an act concerning.
- No. 41. Civil and criminal causes, an act in relation to continuances in.
- No. 42. Nevada, city of, an act to amend an act to incorporate.
- No. 43. Fires, an act relating to, and for the protection of timber and grasses.

BILLS, COUNCIL — *Continued.*

- No. 44. Roberts, W. K., and Edward Lovelock, sheriffs, an act for the relief of.
- No. 45. School system, common, an act to amend an act to establish.
- No. 46. Limitations, an act to repeal sections 9 and 10 of an act concerning.
- No. 47. Districts, Council and Representative, of Montana, an act defining, etc.
- No. 48. Hell Gate river, an act authorizing James M. Baily to construct a toll bridge on.
- No. 49. Town sites, an act relative to pre-emption of, upon public lands.
- No. 50. Deer Lodge county, an act to define boundary lines of.
- No. 51. Auditor, Territorial, an act prohibiting him from issuing warrants to any person without express provision of law.
- No. 52. Deputies, an act authorizing county clerks of the several counties to appoint.
- No. 53. Civil cases, an act to amend an act to regulate proceedings in.
- No. 54. Prisoners, territorial, an act to provide for care and support of.
- No. 55. Jefferson county, an act to authorize citizens of, to change county seat.
- No. 56. County officers, an act in relation to election of.
- No. 57. Civil cases, an act to amend an act to regulate proceedings in, in courts of Territory.
- No. 58. Lord's day, an act for the better observance of.
- No. 59. Courts of justice, an act concerning proceedings in.
- No. 60. Germain, G. Jules and Marie, an act to dissolve bonds of matrimony between.
- No. 61. Mining districts, an act to authorize and encourage the development of, etc.
- No. 62. Election of district officers, an act in relation to.
- No. 63. Williston, L. P., an act to provide increased compensation to.
- No. 64. Elections, an act supplementary to an act regulating holding of.
- No. 65. Civil cases, an act to amend an act to regulate proceedings in, in courts of justice.
- No. 66. Judgments, an act to provide, on failure to answer.
- No. 67. Rodgers, John H., an act authorizing Auditor to issue warrant to.
- No. 68. Venue, an act in relation to criminals on changes of, etc
- No. 69. Bruce, Jno. P., an act to provide compensation to.
- No. 70. Cave City, in Cave Gulch, an act to re-enact an act authorizing Henry Whaley. Joseph V. Stafford and William E. Pinney, to establish a toll road from, to mouth of said gulch.
- No. 71. Missouri river, an act to re-enact an act to authorize R. W. Andrews to establish a ferry across.
- No. 72. Wilkinson, E. S., and P. Ronan, an act to provide compensation to.

BILLS, HOUSE, List of.

- No. 1. Offices, an act creating certain, and relating to resignations.
- No. 2. Geological survey, an act authorizing Prof. G. C. Swallow to make.

BILLS, HOUSE—*Continued*

- No. 3. Jurors, witnesses and officers, an act providing for payment of.
- No. 4. Notaries public, an act supplementary to an act in relation to.
- No. 5. Wares, merchandise and machinery, an act allowing commission merchants to sell, for storage, etc.
- No. 6. Mechanics and others, an act to amend an act securing liens to.
- No. 7. Seat of government, an act to amend an act locating.
- No. 8. Office, an act concerning malfeasance in.
- No. 9. Bridges, flumes, mills, dams, aqueducts, reservoirs, an act to protect.
- No. 10. Marks instead of signatures, an act to provide for.
- No. 11. Virginia City, an act to amend an act to incorporate.
- No. 12. Kipp, Joseph, an act conferring rights of citizenship upon.
- No. 13. Missouri river, an act to re-enact an act to authorize certain parties to establish a ferry across, at mouth of Trout creek.
- No. 14. Gay, John, an act for the relief of.
- No. 15. District clerks, an act requiring them to give bonds.
- No. 16. Beaver Head Wagon Road Company, an act to re-enact an act to incorporate.
- No. 17. Births and deaths, an act concerning registration of.
- No. 18. Lovelock, Ed., and W. K. Roberts, an act for relief of.
- No. 19. County commissioners, an act authorizing, to provide county buildings.
- No. 20. Cabinet, territorial, an act establishing.
- No. 21. Dority, James B. and Amanda, an act to dissolve bonds of matrimony between.
- No. 22. Missouri river, an act to re-enact an act to authorize Robt. Tingley, John Kennedy, *et al.*, to construct a wagon road around falls of.
- No. 23. McBroom, Edward and Margaret, an act to dissolve bonds of matrimony between.
- No. 24. Liens to mechanics *et al.*, an act securing.
- No. 25. Licenses, an act to amend an act concerning.
- No. 26. Library, territorial, an act to provide for.
- No. 27. Militia, an act to provide for organizing and disciplining.
- No. 28. Crimes and punishments, an act to amend an act concerning.
- No. 29. Mines, placer, an act relating to discovery and possessory right of.
- No. 30. Officers, jurors and witnesses, an act regulating fees of, etc.
- No. 31. Sun river, an act to re-enact an act to authorize Charles Francisco and David Abbott to construct a ferry across.
- No. 32. Missouri river, an act to re-enact an act to authorize Thomas A. Holmes and Luther M. Brown to establish a ferry across.
- No. 33. Black Tail Deer and Helena Wagon Road Company, an act to re-enact an act to incorporate.
- No. 34. Hospital, territorial, an act for establishment of.
- No. 35. Crimes and punishments, an act to amend an act concerning.
- No. 36. Little Blackfoot river, an act to re-enact an act entitled an act to authorize Constant Guyot to construct a toll road from, to Helena and Ten Mile Road.

BILLS, HOUSE.—*Continued.*

- No. 37. Gold Hill Mining and Tunneling Company of Montana, an act to re-enact an act entitled an act to incorporate.
- No. 38. Roads, an act supplementary to an act for protection of.
- No. 39. Officers of this Territory, an act to amend an act entitled an act to provide extra compensation to.
- No. 40. Notaries public, an act supplementary to an act relative to.
- No. 41. Officers, territorial, county and precinct, an act prescribing oath of office of.
- No. 42. Auditor and Treasurer, territorial, an act supplementary to an act defining duties of.
- No. 43. Seat of government of Montana Territory, an act to amend an act to locate.
- No. 44. Virginia City, an act to re-enact an act entitled an act to authorize Samuel Bressler, Robert Hedge, etc, to construct a toll road from, to Sterling.
- No. 45. Territorial road from Bozeman City to Helena, an act to provide for laying out of.
- No. 46. Revenue, an act providing for collection of.
- No. 47. Civil cases, an act to amend an act to regulate proceedings in, in courts of Territory.
- No. 48. Hacker, George W. and Mary Jane, an act to dissolve bonds of matrimony between.
- No. 49. Assessors, an act defining duties of, in the several counties of the Territory.
- No. 50. Choteau county, an act to define boundary lines of, and locate county seat of.
- No. 51. Civil cases, an act to amend an act to regulate proceedings in, in courts of Territory.
- No. 52. Madison river, an act to re-enact an act authorizing Samuel Weir, *et al.*, to construct ferry or bridge across.
- No. 53. Elections, an act supplementary to an act regulating holding of.
- No. 54. Attachments and judgments, an act in relation to liens by.
- No. 55. Jefferson river, an act to re-enact an act authorizing Henry Gassett to construct ferry or bridge across.
- No. 56. Madison Bridge Company, an act to re-enact an act to incorporate.
- No. 57. Madison county, an act authorizing county commissioners of, to levy special tax for county buildings.
- No. 58. Civil cases, an act to regulate proceedings in, in courts of Territory.
- No. 59. Gold and silver quartz lodes, an act supplementary to an act relating to discovery of.
- No. 60. Big Horn river, an act to re-enact an act to authorize Henry L. Warren, Henry Gassett, and James Sinclair, to construct a ferry across.
- No. 61. Tufts, James, Secretary of Territory, an act to provide increased compensation to.
- No. 62. Jefferson county, an act supplementary to an act establishing boundary lines of.

BILLS, HOUSE — *Continued.*

No. 63. Officers of Territory, an act to amend an act to provide increased compensation to.

BIRTHS AND DEATHS, an act concerning registration of. (H. B. 17.)	Page
Message of House relative to, ...	82
Read first and second time, ...	91
Referred to Committee of the Whole, ...	91
Indefinitely postponed, ...	207

BLACKFEET INDIANS, memorial in relation to treaty with. (H. J. M. 4.)

Message of House relative to, ...	169
Read first and second time, ...	170
Referred to Committee on Federal Relations, ...	170
Report of Committee on, ...	174
Read third time, ...	174
Passed, ...	174

BLACK TAIL DEER AND HELENA WAGON ROAD COMPANY, an act to re-enact an act entitled an act to incorporate. (H. B. 33.)

Message of House relative to, ...	172
Read first and second time, ...	177
Referred to Committee on Incorporations, ...	177
Read third time, ...	197
Lost, ...	197
Vote by which lost reconsidered, ...	206
Passed, ...	206

BONDS OF DISTRICT CLERKS. (*See District Clerks*, H. B. 15.)BOUNDARIES OF CHOTEAU COUNTY. (*See Choteau County.*)BOUNDARIES OF JEFFERSON COUNTY. (*See Jefferson County.*)BOZEMAN CITY. (*See Territorial Road*, H. B. 45.)

BRADLEY, SION.

Nomination of, as Constable confirmed, ...	177
--	-----

BRESSLER, SAMUEL. (*See Virginia City*, H. B. 44.)BRIDGE ACROSS MADISON RIVER. (*See Madison River*, H. B. 52.)

BRIDGES, FLUMES, MILLS, DAMS, AQUEDUCTS, RESERVOIRS, etc., an act to protect, (H. B. 9.) (No action in Council.)

BROWN, LUTHER M. (*See Missouri River*, H. B. 32.)

BRUCE, J. P.

Resolution requesting printing awarded to, adopted, ...	14
Communication from Secretary in relation to awarding printing to, ...	23
Communication from, returning thanks, ...	28

INDEX.

251

BRUCE, JOHN P., an act to provide compensation to. (C. B. 69.)	Page
Read first and second time, ...	194
Read third time, ...	194
Passed, ...	194
Message of House relative to, ...	202
Reported enrolled, ...	209
Approval of, ...	226
 BUILDINGS, COUNTY. (See County Buildings.)	
 CABINET, TERRITORIAL, an act establishing. (H. B. 20.) (No action in Council.)	
 CALIFORNIA PRACTICE ACT.	
Resolution for appointment of Committee on, ...	20
 CAMPBELL, T. F.	
Nominated for Superintendent of Schools, ...	87
Elected, ...	87
 CAVE GULCH. (See Cave City, C. B. 70.)	
 CAVE CITY, an act to re-enact an act authorizing Henry Whaley, Joseph V. Stafford and William E. Pinney, etc., to establish and maintain a toll road from, to Cave Gulch (C. B. 70)	
Read first and second time, ...	206
Read third time, ...	206
Passed, ...	206
Message of House relative to, ...	213
Reported enrolled, ...	215
Report of Committee of Enrollment on, ...	219
Approval of, ...	229
 CENSUS, an act to provide for, to be taken in 1868. (C. B. 11.)	
Read first and second time, ...	29
Read third time, ...	29
Passed, ...	29
Message of House relative to, ...	36
Reported enrolled, ...	49
Veto of, ...	67
Bill lost, ...	67
 CHAMBERLAIN, S.	
Elected Fireman, ...	9
Took oath of office, ...	10
Resolution of thanks to, ...	239
 CHARITABLE INSTITUTIONS. (See Religious Institutions.)	
 CHILES, WM. H.	
Nomination of, as Notary Public, confirmed, ...	177

CHOTEAU COUNTY, an act to define boundary lines, and locate county seat of. (H. B. 50.)		Page
Message of House relative to,	.	203
Read first and second time,	.	204
Read third time,	.	204
Passed,	.	204
CITY OF NEVADA. (See Nevada City.)		
CITY OF VIRGINIA. (See Virginia City.)		
CITY OF HELENA. (See Helena City.)		
CIVIL PRACTICE ACT.		
Report of Committee on,	.	32
CIVIL CASES, an act regulating attachments in. (C. B. 4.)		
Read first and second time,	.	23
Referred to Judiciary Committee,	.	23
Report of Committee on,	.	46
Amended,	.	47
Read third time,	.	81
Passed,	.	81
Title amended,	.	82
Message of House relative to,	.	173
Amendments of House concurred in,	.	175
Reported enrolled,	.	192
Approval of,	.	211
CIVIL CASES, an act entitled an act to amend an act to regulate proceedings in, in the courts of justice of Montana Territory, (C. B. 53.)		
Read first and second time,	.	164
Read third time,	.	164
Passed,	.	164
Message of House relative to,	.	171
Amendments of House concurred in,	.	171
Reported enrolled,	.	174
Approval of,	.	177
CIVIL CASES, an act to amend an act to regulate proceedings in, in courts of Territory, (C. B. 57.)		
Read first and second time,	.	174
Referred to Committee of the Whole,	.	174
CIVIL CASES, an act to amend an act to regulate proceedings in, in courts of justice, (C. B. 65.)		
Read first and second time,	.	193
Referred to Committee of the Whole,	.	193
Reports of Committee of the Whole on,	.	216, 220

CIVIL CASES, an act to amend an act entitled an act to regulate proceedings in, in the courts of justice of Montana Territory, (H. B. 47.)

	Page
Message of House relative to, ...	182
Read first and second time, ...	186
Referred to Judiciary Committee, ...	186

CIVIL CASES, an act to amend an act entitled an act to regulate proceedings in, in the courts of justice of Montana Territory, (H. B. 51)

Read first and second time, ...	196
Referred to Judiciary Committee, ...	196

CIVIL AND CRIMINAL CAUSES, an act in relation to continuances in, (C. B. 41.)

Read first and second time, ...	114
Referred to Committee of the Whole, ...	114
Report of Committee of the Whole on, ...	126
Read third time, ...	128
Lost, ...	128
Amendments of House not concurred in, ...	137

CLERK OF MEAGHER COUNTY. (*See W. T. Richardson.*)

CLERKS, DISTRICT. (*See District Clerks.*)

CLERK OF COUNCIL, CHIEF, resolution in relation to duty of.

Adopted, ...	22
--------------------	----

CLERKS, SECOND ASSISTANT, OF LEGISLATURE, resolution appropriating extra compensation to, (C. J. R. 9.)

Read first and second time, ...	235
Read third time, ...	235
Passed, ...	235
Message of House relative to, ...	238

COMMITTEES, STANDING.

List of, ...	19
--------------------	----

COMMITTEE OF WAYS AND MEANS.

Members of, ...	19
Council Bill No. 3 referred to, ...	23
Council Bill No 5 referred to, ...	25
House Bill No 3 referred to, ...	49
Report of, on House Bill No. 3, ...	59
House Joint Resolution No. 1 referred to, ...	68
Report of, on Council Bill No. 3, ...	71
Governor's Message in relation to arsenal referred to, ...	107
Report of, on House Joint Resolution No. 1, ...	110
Report of, on Council Bill No. 5, ...	123
House Joint Resolution No 2 referred to, ...	149

COMMITTEE OF WAYS AND MEANS— *Continued.*

	Page
Report of, on House Joint Resolution No. 2,	153
Council Bill No. 52 referred to,	164
Report of, on Council Bill No. 2,	165
Council Bill No. 63 referred to,	192
House Bill No. 18 referred to,	196
Report of, on Council Bill No. 63,	199
Report of, on House Bill No. 18,	199
Report of, on House Joint Resolution No. 8,	227

COMMITTEE ON JUDICIARY.

List of members of,	19
An Act requiring criminals to perform labor referred to, (C. B. 2.)	20
Report of, on Council Bill No. 2,	21
Council Bill No. 4 referred to,	23
Council Bill No. 6 referred to,	25
Council Bill No. 7 referred to,	26
Council Bill No. 8 referred to,	26
Report of, on Civil Practice Act,	32
Report of, on Council Bill No. 7,	33
Report of, on Council Bill No. 6,	35
Council Bill No. 18 referred to,	37
Report of, on Council Bill No. 8,	40
Council Bill No. 21 referred to,	41
Council Bill No. 22 referred to,	41
Council Bill No. 23 referred to,	41
Report of, on Council Bill No. 4,	46
Council Bill No. 25 referred to,	49
Council Bill No. 26 referred to,	49
Council Bill No. 27 referred to,	53
House Bill No. 10 referred to,	54
Report of, on Council Bill No. 23,	57
Report of, on Council Bill No. 22,	57
Report of, on Council Bill No. 25,	57
Report of, on House Bill No. 4,	58
Report of, on House Bill No. 10,	59
Report of, on Council Bill No. 26,	77
Council Bill No. 30 referred to,	80
Council Bill No. 35 referred to,	90
Council Bill No. 36 referred to,	94
Report of, on Council Bill No. 21,	99
Report of, on Council Bill No. 36,	99
Majority report of, on House Bill No. 14,	100
Report of, on Council Bill No. 35,	108
House Bill No. 15 referred to,	108
Report of, on House Bill No. 28,	121
Council Bill No. 46 referred to,	132
Report of, on Council Bill No. 46,	134

COMMITTEE ON JUDICIARY — *Continued.*

	Page
Report of, on House Bill No 28, ...	134
Report of, on House Bill No. 15, ...	134
Report of, on Council Bill No. 30, ...	135
House Bill No. 35 referred to, ...	136
Report of, on House Bill No. 35, ...	142
Report of, on Council Bill No. 30, ...	144
House Bill No. 47 referred to, ...	186
Council Bill No. 62 referred to, ...	192
House Bill No. 51 referred to, ...	196
Report of, on Council Bill No. 62, ...	203
House Bill No. 40 referred to, ...	205

COMMITTEE ON ENROLLMENT.

List of members of, ...	19
Report Council Concurrent Resolution No 1 enrolled, ...	31
Report Council Bill No. 2 enrolled, ...	44
Report Council Bills Nos. 1, 2, 7, and 11 enrolled, ...	49
Report Council Bills Nos. 15 and 17 enrolled, ...	61
Report Council Bill No. 24 enrolled, ...	75
Report Council Bills Nos. 6, 9, and 24 enrolled, ...	77
Report Council Bills Nos. 8, 12, and 13 enrolled, ...	83
Report Council Bills Nos. 19 and 20 enrolled, ...	94
Report Council Bills Nos. 19 and 20 handed to Governor, ...	96
Report Council Bills Nos. 31 and 37 enrolled, ...	124
Report Council Bills Nos 38, 32, and 34 enrolled, ...	132, 133
Report Council Bills Nos 32, 34, and 38 handed to Governor, ...	133
Report Council Bill No. 3 enrolled, ...	146
Report Council Bills Nos. 5, 43 and 46 enrolled, ...	152
Report Council Bill No. 21 enrolled, ...	156
Report Council Bills Nos. 15, 21, 43 and 46 enrolled, ...	157
Report House Bill No. 42 enrolled, ...	160
Report Council Bill No. 57 enrolled, ...	167
Report Council Bill No. 53 enrolled, ...	174
Report Council Bill No. 53 left with Governor, ...	175
Report Council Bill No. 52 enrolled, ...	177
Report Council Bill No. 40 enrolled, ...	178
Report Council Joint Resolution No. 4 enrolled, ...	178
Report Council Bills Nos. 40 and 52, Council Joint Resolution No. 4, and Council Bills Nos. 42 and 51, left with the Governor, ...	178, 179
Report Council Bills Nos. 4, 10 and 55 enrolled, ...	192
Report Council Bill No. 48 enrolled, ...	193
Report Council Bills Nos. 3, 4, 48 and 55 handed to Governor, ...	197
Report Council Bill No 56 enrolled, ...	205
Report Council Bills Nos. 67, 50 and 58 enrolled, ...	206
Report Council Bills Nos. 50, 56, 58 and 67 left with Governor, ...	208, 209
Report Council Bills Nos 36, 69 and 54 enrolled, ...	209
Report Council Bills Nos. 69, 54 and 36 left with Governor, ...	213

COMMITTEE ON ENROLLMENT—*Continued.*

	Page
Report Council Bills Nos. 70 and 49 enrolled, . . .	215
Report Council Bills Nos. 70 and 49 left with Governor, . . .	219
Report Council Bill No. 45 enrolled, . . .	219
Report Council Bills Nos. 27, 63 and 72 enrolled, . . .	236
Report Council Joint Memorial No. 2 and Council Joint Resolutions Nos. 6, 7 and 8 enrolled, . . .	236
Report Council Bills Nos. 18, 62, 72 and 47 left with Governor, . . .	238
Report Council Joint Resolutions Nos. 8 and 6, and Council Joint Memorial No. 2 left with Governor, . . .	238

COMMITTEE ON ENGROSSMENT.

List of members of, . . .	19
Report Council Bills Nos. 9, 13 and 16 engrossed, . . .	36
Report Council Bill No. 12 engrossed, . . .	44
Report Council Bills Nos. 15 and 17, and House Bill No. 1 en- grossed, . . .	46
Report Council Bill No. 6 engrossed, . . .	51
Report Council Bill No. 24 engrossed, . . .	53
Report Council Bill No. 14 engrossed, . . .	65
Report House Bills Nos. 3 and 4 engrossed, . . .	69
Report Council Bill No. 4 engrossed, . . .	78
Report Council Bill No. 3 engrossed, . . .	92
Report House Bill No. 5 engrossed, . . .	93
Report Council Bill No. 26 engrossed, . . .	96
Report Council Bill No. 36 engrossed, . . .	103
Report Council Bill No. 33 engrossed, . . .	110
Report Council Bill No. 31 engrossed, . . .	112
Report Council Bill No. 5 engrossed, . . .	125
Report Council Bill No. 40 engrossed, . . .	144
Report Council Bill No. 27 engrossed, . . .	149
Report Council Bill No. 45 engrossed, . . .	152
Report Council Bill No. 18 engrossed, . . .	153
Report amendments to House Bill No. 35 engrossed, . . .	156
Report House Joint Resolution No. 2 engrossed, . . .	165
Report amendments to House Bill No. 47 engrossed, . . .	167
Report Council Bill No. 54 engrossed, . . .	168
Report Council Bill No. 50 engrossed, . . .	172
Report Council Bill No. 49 engrossed, . . .	176
Report House Bill No. 25 engrossed, . . .	190
Report House Bill No. 57 engrossed, . . .	209
Report Council Bill No. 62 engrossed, . . .	215
Report House Bill No. 54 engrossed, . . .	221
Report House Bill No. 11 engrossed, . . .	222
Report House Bill No. 45 engrossed, . . .	222
Report House Joint Resolution No. 9 engrossed, . . .	234

INDEX.

257

COMMITTEE ON PRINTING.

	Page
List of members of,	19
Report of, on Council Bill No. 18,	46
Report of, on Council Bill No. 22,	55
Report of, on Council Bill No. 26,	69
Report of, on Council Bill No. 27,	90
Report Council Bills Nos. 32, 33 and 31 printed,	95
Report of, on Council Bill No. 30,	99
Report Council Bill No. 28 printed,	112
Report Council Bill No. 18 printed,	124
Report Council Bills Nos. 40 and 45 printed,	136

COMMITTEE ON TOWNS AND COUNTIES.

List of members of,	19
Bill in relation to county seat of Missoula county referred to,	20
Report of, on Council Bill No. 1,	22
Council Bill No. 9 referred to,	26
Council Bill No. 12 referred to,	29
Report of, on Council Bill No. 12,	32
Council Bill No. 13 referred to,	33
Report of, on Council Bill No. 13,	33
Report of, on Council Bill No. 9,	34
Council Bill No. 19 referred to,	37
Report of, on Council Bill No. 19,	47
Council Bill No. 34 referred to,	90
Report of, on Council Bill No. 34,	93, 94
Council Bill No. 37 referred to,	97
Petition in relation to boundaries of counties referred to,	99
Council Bill No. 38 referred to,	100
Report of, on Council Bill No. 37,	108
Report of, on Council Bill No. 38,	104
Report of, on Council Bill No. 57,	208
Report of, on House Bill No. 40,	210

COMMITTEE ON FEDERAL RELATIONS.

List of members of,	19
Majority report of, on Council Bill No. 24,	51
House Bill No. 12 referred to,	68
Report of, on House Bill No. 12,	72
Council Joint Resolution No. 2 referred to,	90
Report of, on Council Joint Resolution No. 2,	94
Council Joint Memorial No. 1 referred to,	127
Report of, on Council Joint Memorial No. 1,	129
House Joint Memorial No. 4 referred to,	170
Report of, on House Joint Memorial No. 4,	174
Council Joint Memorial No. 2 referred to,	185
Report of, on Council Joint Memorial No. 2,	189

COMMITTEE ON FEDERAL RELATIONS— <i>Continued.</i>		Page
House Joint Memorial No. 5 referred to, . . .		195
Report of, on House Joint Memorial No. 5, . . .		199
COMMITTEE ON ELECTIONS.		
List of members of, . . .		19
Council Bill No. 20 referred to, . . .		37
Report of, on Council Bill No. 20, . . .		40
Council Bill No. 64 referred to, . . .		192
Majority report of, on Council Bill No. 64, . . .		198
Minority report of, on Council Bill No. 64, . . .		198
COMMITTEE ON AGRICULTURE.		
List of members of, . . .		19
Council Bill No. 29 referred to, . . .		73
House Bill No. 24 referred to, . . .		124
Report of, on House Bill No. 24, . . .		153
COMMITTEE ON INDIAN AFFAIRS.		
List of members of, . . .		19
Council Bill No. 15 referred to, . . .		33
Report of, on House Bill No. 15, . . .		36
COMMITTEE ON MILITARY AFFAIRS.		
List of members of, . . .		19
House Joint Resolution No. 1 referred to, . . .		63
Report of, on House Joint Resolution No. 1, . . .		68
COMMITTEE ON EDUCATION.		
List of members of, . . .		19
Report of, on Council Bill No. 14, . . .		47
Council Bill No. 38 referred to, . . .		56
Report of, on Council Bill No. 28, . . .		122
House Bill No. 45 referred to, . . .		123
Report of, on Council Bill No. 45, . . .		143
House Joint Resolution No. 3 referred to, . . .		162
Report of, on House Joint Resolution No. 3, . . .		162
COMMITTEE ON MINES AND MINERALS.		
Council Bill No. 61 referred to, . . .		186
House Bill No. 29 referred to, . . .		189
Report of, on House Bill No. 29, . . .		191
COMMITTEE ON INCORPORATIONS.		
List of members of, . . .		19
Report amendments to Council Bill No. 18, . . .		69
Council Bill No. 42 referred to, . . .		116
House Bill No. 22 referred to, . . .		122
Report of, on Council Bill No. 42, . . .		132

INDEX.

259

COMMITTEE ON INCORPORATIONS — *Continued.*

	Page
House Bill No. 16 referred to, ...	135
House Bill No. 32 referred to, ...	136
Minority report of, on House Bills Nos. 16 and 32, ...	138
Report of, on House Bill No. 16, and House Bill No. 17, ...	141
House Bill No. 52 referred to, ...	186

COMMITTEE ON INTERNAL IMPROVEMENTS.

List of members of, ...	19
House Bill No. 38 referred to, ...	149
Report of, on House Bill No. 38, ...	152

COMMITTEE OF THE WHOLE.

Petition of citizens of Meagher county referred to, ...	31
Council Bill No. 17 referred to, ...	36
House Bill No. 1 referred to, ...	37
Report of, on Council Bill No. 17, ...	41
Report of, on Council Bill No. 6, ...	43
Report substitute for House Bill No. 1, ...	44
House Bill No. 5 referred to, ...	64
House Bill No. 13 referred to, ...	68
Report amendments to Council Bill No. 18, ...	78
Council Bill No. 31 referred to, ...	80
Council Bills Nos. 32 and 33 referred to, ...	81
Report of, on Council Bill No. 5, ...	89
House Bill No. 17 referred to, ...	91
Report of, on House Bill No. 13, ...	93
Report of, on Council Bill No. 33, ...	103
Report of, on Council Bill No. 31, ...	103
House Bill No. 19 referred to, ...	104
Report of, on Council Bill No. 29, ...	105
Council Bill No. 27 referred to, ...	107
Council Bill No. 39 referred to, ...	112
Council Bill No. 40 referred to, ...	114
Council Bill No. 41 referred to, ...	114
Consider Council Bill No. 39, ...	113
Report of, on Council Bill No. 39, ...	114
Council Bill No. 42 referred to, ...	116
Report of, on Council Bills Nos. 41 and 43, ...	126
Report of, on Council Bill No. 40, ...	126
Report of, on Council Bill No. 27, ...	129
Report of, on Council Bill No. 42, ...	133
Report of, on Council Bill No. 40, ...	138
Consider Council Bill No. 30, ...	150
Report of, on Council Bill No. 45, ...	147
House Bill No. 49 referred to, ...	153
Report of, on Council Joint Memorial No. 1, ...	153

COMMITTEE OF THE WHOLE—*Continued.*

	Page
Council Joint Memorial No. 2 referred to,	154
Council Bill No. 30 taken from, and amendments offered,	158
Report of, on Council Bill No. 49,	163
Report of, on House Joint Resolution No. 2,	164
Council Bill No. 54 referred to,	166
Report of, on Council Bill No. 54,	168
House Bill No. 25 referred to,	171
Council Bill No. 57 referred to,	174
Report of, on House Bill No. 25,	183
Council Bill No. 65 referred to,	193
Council Bill No. 66 referred to,	193
Council Bill No. 68 referred to,	194
House Bill No. 30 referred to,	196
Council Bill No. 62 referred to,	204
House Bill No. 45 referred to,	212
Report of, on House Bill No. 11,	216
Report of, on House Bill No. 45,	215
Report of, on House Bill No. 54,	216
Report of, on Council Bill No. 68,	216
Report of, on House Bill No. 65,	216
Report of, on House Bill No. 66,	216
Report of, on House Bill No. 30,	218
Report of, on Council Bill No. 65,	220
Report of, on Council Bill No. 66,	220
Report of, on Council Bill No. 54,	220
House Bill No. 34 referred to,	229
House Bill No. 46 referred to,	229
Report of, on House Bill No. 34,	234

COMMITTEE, SPECIAL.

On Rules.

Appointment of,	10
Report of,	12, 13
<i>Second, on Rules (Joint.)</i>	
Appointment of,	34
Report of,	48
<i>To wait on Governor.</i>	
Appointment of,	9
Report of,	10
<i>Second, to wait on Governor (Joint.)</i>	
Appointment of,	12
<i>To wait on Governor relative to adjournment.</i>	
Appointment of,	238
<i>On order of re-enactment of laws.</i>	
Appointment of,	21
Report of,	32

COMMITTEE, SPECIAL.—*Continued.*

<i>On California Practice Act.</i>	Page
Appointment of, ...	20
<i>To make inquiries in relation to arsenal.</i>	
Appointment of, ...	115
Report of, ...	120, 121
<i>To settle with Auditor and Treasurer.</i>	
Appointment of, ...	176
<i>On Petition of G. Jules Germain.</i>	
Appointment of, ...	181
Report of, ...	185
<i>On C. B. No. 47.</i>	
Reference to, ...	142
Majority report of, ...	187
Minority report of, ...	188
<i>On C. B. No. 50.</i>	
Reference to, ...	153
Report of, ...	168
<i>On House Bill No. 36.</i>	
Reference to, ...	139
Report of, ...	143
<i>On House Bill No. 37.</i>	
Reference to, ...	139
Report of, ...	146
<i>On House Bill No. 57.</i>	
Reference to, ...	205
<i>On House Joint Resolution No. 1.</i>	
Reference to, ...	121
Report of, ...	144
<i>On Incorporations.</i>	
House Bill No. 44 referred to, ...	177
House Bill No. 33 referred to, ...	177
House Bill No. 52 referred to, ...	186
Minority report of, on Council Bill No. 33, ...	191
Minority report of, on Council Bill No. 44, ...	191
Minority report of, on Council Bill No. 52, ...	191

COMMITTEES OF CONFERENCE.

<i>On Council Bill No. 45.</i>	
Report of, ...	195
<i>On House Bill No. 30.</i>	
Appointment of, ...	235
Report of, ...	237
<i>On House Bill No. 54.</i>	
Appointment of, ...	235
Report of, ...	236
<i>On House Bill No. 61.</i>	
Appointment of, ...	235
Report of, ...	235

COMMON SCHOOL SYSTEM. (*See Schools.*)

COMMISSION MERCHANTS. (*See Wares, H. B. 5.*)

COMMISSIONER OF MEAGHER COUNTY.

Nomination of, ...	Page 110
Confirmation of, ...	110

COMMISSIONERS OF MADISON COUNTY. (*See Madison County, H. B. 57.*)

COMMISSIONERS, SPECIAL, IN DEER LODGE COUNTY. (*See Deer Lodge County, C. B. 36.*)

COMMISSIONERS OF MISSOULA COUNTY. (*See Missoula County.*)

COMMISSIONERS, COUNTY. (*See County Commissioners, H. B. 19.*)

CONSTABLES.

Nomination for, ...	155
Confirmation of sundry nominations for, ...	177

CONSTITUTION, memorial to Congress praying for the appointment of a convention of citizens of Montana Territory, to frame, (C. J. M. 1.)

Read first and second time, ...	127
Referred to Committee on Federal Relations, ...	127
Report of Committee on, ...	129
Report of the Committee of the Whole on, ...	153
Read third time, ...	156
Passed, ...	156
Message of House relative to, ...	161
Approval of, ...	200

CONTINUANCES. (*See Civil Causes, C. B. 41.*)

CONVENTION, JOINT, OF COUNCIL AND HOUSE OF REPRESENTATIVES.

Proceedings of, ...	83, 84, 85, 86, 87, 88
---------------------------	------------------------

CONVENTION, CONSTITUTIONAL. (*See Constitution, C. J. M. 1.*)

CORKERY, N. J.

Nomination of, confirmed, ...	155
-------------------------------------	-----

CORPORATIONS, an act to provide for formation of, for certain purposes, (C. B. 18.)

Read first and second time, ...	37
---------------------------------------	----

CORPORATIONS, an act, etc. — *Continued.*

	Page
Ordered printed, ...	37
Referred to Committee on Incorporations, ...	37
Committee report amendments to, ...	69
Referred to Committee of the Whole, ...	71
Committee of the Whole report amendments to, ...	78
Read third time, ...	154
Passed, ...	154
Messages of House relative to, ...	203, 212
Amendments of House concurred in, ...	208
Approval of, ...	240

CORPORATIONS, FOREIGN, an act concerning, (C. B. 40.)

Read first and second time, ...	114
Referred to Committee of the Whole, ...	114
Report of Committee of the Whole on, ...	138
Bill amended, ...	138
Read third time, ...	149
Passed, ...	149
Message of House relative to, ...	172
Reported enrolled, ...	178
Approval of, ...	200

CORUM, JOHN W. Member of Council.

Took oath of office, ...	6
Motions by, 6, 9, 10, 11, 28, 39, 50, 58, 61, 64, 72, 78, 80, 84, 92, 99, 100, 107, 119, 121, 123, 126, 128, 141, 142, 144, 148, 158, 161, 163, 165, 167, 168, 174, 176, 195, 197, 199, 206, 208, 214, 220, 221, 222, 227, 238.	
Offered resolutions, ...	16, 17, 114
Appointment of, on Committees, 9, 10, 19, 115, 142, 181, 183, 205, 235, 238.	
Submitted reports, 12, 22, 32, 33, 34, 36, 40, 44, 46, 47, 51, 53, 65, 69, 72, 78, 92, 93, 94, 96, 100, 103, 104, 108, 110, 112, 114, 120, 125, 126, 129, 137, 144, 149, 152, 153, 156, 165, 167, 168, 172, 176, 188, 189, 190, 195, 198, 199, 208, 209, 210, 215, 221, 222, 234.	
Gave notice of bills, ...	20, 28, 73
Introduced bills, ...	37, 73, 81, 90, 170, 219, 222, 228

COUNCIL.

List of members of, ...	4
-------------------------------	---

COUNCIL DISTRICTS. (*See Districts*, C. B. 47.)COUNSELORS AT LAW. (*See Attorneys*, C. B. 26.)COUNTIES. (*See Assessors; Debt of Counties.*)

COUNTY OF DEER LODGE. (*See Deer Lodge County.*)

COUNTY OF GALLATIN. (*See Gallatin County.*)

COUNTY OF MISSOULA. (*See Missoula County.*)

COUNTY OF EDGERTON. (*See Edgerton County.*)

COUNTY OF JEFFERSON. (*See Jefferson County.*)

COUNTY OF CHOTEAU. (*See Choteau County.*)

COUNTY OFFICERS. (*See Officers, H. B. 41*)

COUNTY CLERKS. (*See Deputies, C. B. 52.*)

COUNTY COMMISSIONERS. (*See Debt of Counties.*)

COUNTY BUILDINGS, an act authorizing the county commissioners of the several counties of Montana Territory to provide, for their said counties. (*See County Commissioners, H. B. 19*)

COUNTY OFFICERS, an act in relation to election of, (C. B. 56.)	Page
Read first and second time, ...	169
Read third time, ...	169
Passed, ...	169
Message of House relative to, ...	193
Reported enrolled, ...	206, 208
Approval of, ...	226

COUNTY COMMISSIONERS OF THE SEVERAL COUNTIES OF MONTANA TERRITORY, an act authorizing them to provide county buildings for their said counties, (H. B. 19.)

Message of House relative to, ...	104
Read first and second time, ...	104
Referred to Committee of the Whole, ...	104

COUNTY TREASURER. (*See Treasurer.*)

COUNTY SEAT OF JEFFERSON COUNTY. (*See Jefferson County, C. B. 55.*)

COUNTY OF JEFFERSON, boundary lines of. (*See Jefferson County, C. B. 34.*)

COUNTY COMMISSIONERS OF MISSOULA COUNTY. (*See Missoula County, C. B. 38.*)

COUNTY COMMISSIONERS, an act authorizing them to provide county buildings. (*See County Buildings, H. B. 19.*)

COUNTY SEAT OF CHOTEAU COUNTY. (*See Choteau County, H B 50.*)

COUNTY SEAT OF GALLATIN COUNTY. (*See Gallatin County, C. B. 37.*)

COURTS, DISTRICT. (*See District Courts, C. B. 35.*)

COURTS OF JUSTICE, proceedings in. (*See Civil Cases.*)

COURTS OF PROBATE. (*See Probate Courts, C. B. 27.*)

COURTS OF JUSTICE, an act concerning proceedings in, (C. B. 59.)	Page
Read first and second time, ...	181
Referred to Judiciary Committee, ...	181
Report of Judiciary Committee on, ...	183
Read third time, ...	189
Lost, ...	189

CRIMES AND PUNISHMENTS, an act entitled an act to amend an act entitled an act concerning, (H. B. 28.)	
Messages of House relative to, ...	117, 118
Read first and second time, ...	121
Referred to Judiciary Committee, ...	121
Report of Committee on, ...	124
Read third time, ...	139
Passed, ...	139

CRIMES AND PUNISHMENTS, an act to amend an act entitled an act concerning, (H. B. 35.)	
Message of House relative to, ...	135
Read first and second time, ...	136
Referred to Judiciary Committee, ...	136
Report of Judiciary Committee on, ...	142
Action on, ...	154

CRIMINALS, an act requiring them to perform labor, (C. B. 2.)	
Read first and second time, ...	20
Referred to Judiciary Committee, ...	20
Report of Committee on, ...	21
Read third time, ...	27
Passed, ...	27
Message of House relative to, ...	35
Reported enrolled, ...	44, 49
Approval of, ...	61

CRIMINALS. (*See Venue, C. B. 68.*)

CRIMINAL CAUSES. (*See Civil Causes, C. B. 41.*)

CULLEN, W. E. Member of Council.

Took oath of office,	6
Motions by, 6, 9, 14, 17, 36, 37, 41, 67, 68, 82, 97, 103, 113, 124, 126, 134, 138, 139, 150, 151, 156, 166, 169, 175, 181, 183, 192, 216, 218, 224, 227, 229.	
Offered resolutions,	12, 15, 26
Appointment of, on Committees,	19, 21, 115, 139, 181, 235
Submitted reports, 31, 36, 44, 49, 61, 69, 75, 77, 83, 93, 94, 96, 124, 125, 129, 132, 133, 138, 143, 146, 152, 155, 157, 160, 167, 174, 178, 183, 185, 191, 193, 197, 203, 208, 209, 212, 215, 219, 236, 237, 238	
Gave notice of bills,	19, 25, 40, 142, 168
Introduced bills,	33, 37, 49, 90, 132, 153, 185, 193

DAILY PROCEEDINGS.

Resolution in relation to,	26
----------------------------	----

DAMS. (See Bridges, H. B. 9.)**DAVENPORT, WM.**

Nominated for commissioner of Meagher county,	Page 110
Nomination of, confirmed,	110

DAVIS, ALEXANDER. Member of Council.

Took oath of office,	6
Motions by, 9, 47, 85, 124, 132, 135, 142, 143, 147, 148, 154, 157, 160, 164, 165, 185.	
Offered resolutions,	12, 22, 24, 240
Appointment of, on Committees,	9, 12, 19, 20, 34, 139, 205
Submitted reports,	10, 47, 68, 78, 122, 133, 143, 163
Gave notice of bills,	45, 55, 112, 113
Introduced bills,	49, 56, 114, 116, 164, 181

DEASCEY, WM. Resolution appropriating money to, (H. J. R. 8.)

Message of House relative to,	218
Read first and second time,	219
Referred to Committee of Ways and Means,	219
Report of Committee on,	227
Read third time,	227
Passed,	227

DEATHS, registration of. (See Births, H. B. 17.)**DEBT OF TERRITORY, an act to provide for funding of, (C. B. 3.)**

Read first time,	23
Referred to Committee of Ways and Means,	23
Committee report amendments to,	71
Read third time,	95
Passed,	95

INDEX.

267

DEBT OF TERRITORY, an act, etc. — *Continued.*

Page

Message of House relative to,	135
Amendments of House concurred in,	137
Reported enrolled,	146
Approval of,	158

DEBT OF COUNTIES, an act authorizing county commissioners to fund, (C. B. 19)

Read first and second time,	37
Referred to Committee on Towns and Counties,	37
Report of Committee on,	47
Passed,	54
Message of House relative to,	60
Reported enrolled,	94
Approval of,	104

DEER LODGE COUNTY, an act creating board of special commissioners in, (C. B. 36.)

Read first and second time,	94
Referred to Judiciary Committee,	94
Report of Committee on,	99
Amended,	100
Passed to third reading,	100
Read third time,	104
Passed,	104
Message of House relative to,	173
Amendments of House concurred in,	175, 181
Reported enrolled,	209
Approval of,	226

DEER LODGE COUNTY, an act to define boundary lines of, (C. B. 50.)

Read first and second time,	153
Referred to Special Committee,	153
Report of Committee on,	168
Amended,	169
Ordered to third reading,	169
Read third time,	175
Passed,	175
Title amended,	175
Message of House relative to,	180
Reported enrolled,	206, 208
Approval of,	226

DEPUTIES, an act authorizing the county clerks of the several counties to appoint, (C. B. 52.)

Read first and second time,	164
Referred to Committee of Ways and Means,	164
Report of Committee on,	165

DEPUTIES, an act, etc. — *Continued.*

	Page
Read third time, ...	165
Passed, ...	165
Message of House relative to, ...	171
Reported enrolled, ...	177
Reported handed to the Governor, ...	178
Approval of, ...	200

DESBECK, JOHN.

Nomination of, confirmed, ...	155
-------------------------------------	-----

DESCENTS AND DISTRIBUTIONS, an act regulating, (C. B. 8.)

Read first and second time, ...	26
Referred to Judiciary Committee, ...	26
Report of Committee on, ...	40
Read third time, ...	45
Passed, ...	45
Message of House relative to, ...	62
Amendments of House concurred in, ...	65
Reported enrolled, ...	83
Approval of, ...	96

DISCOVERY OF PLACER MINES. (*See Mines*, H. B. 29.)DISTRIBUTIONS. (*See Descents*, C. B. 8.)DISTRICTS, MINING. (*See Mining Districts*, C. B. 61.)DISTRICT OFFICERS, election of. (*See Election*, C. B. 62.)DISTRICTS, COUNCIL AND REPRESENTATIVE OF MONTANA,
an act defining, (C. B. 47.)

Read first and second time, ...	142
Referred to Special Committee, ...	142
Majority report of Special Committee on, ...	187
Minority report of Special Committee on, ...	188
Majority report laid on table, ...	188
Minority report adopted, ...	188
Read third time, ...	189
Passed, ...	189
Message of House relative to, ...	234
<i>House substitute for.</i>	
Read first and second time, ...	235
Read third time, ...	235
Passed, ...	235
Approval of, ...	240

DISTRICT CLERKS, an act requiring them to give bonds, (H. B. 15.)	Page
Message of House relative to, ...	106
Read first and second time, ...	108
Referred to Judiciary Committee, ...	108
Report of Committee on, ...	134
Read third time, ...	140
Passed, ...	140

DISTRICT COURTS OF TERRITORY, an act to legalize proceedings of, (C. B. 35.)	
Read first and second time, ...	90
Referred to Committee on Judiciary, ...	90
Report of Judiciary Committee on, ...	108
Passed to third reading, ...	108
Read third time, ...	108
Lost, ...	108

DIVORCES. Bills for.	
Message from House relative to, ...	91

DIVORCE OF JAMES B. AND AMANDA DORRITY. (*See Dorrity*,
H. B. 21.)

DIVORCE OF EDWARD AND MARGARET McBROOM. (*See McBroom*,
H. B. 23.)

DIVORCE OF GEORGE W. AND MARY JANE HACKER. (*See*
Hacker, H. B. 48.)

DIVORCE OF MARY E. AND AMOS LANNIER. (*See Lannier*,
(C. B. 23.)

DIVORCE OF ROBERT K. AND ELIZABETH FINDLAY. (*See Findlay*,
C. B. 25.)

DIVORCE OF G. JULES AND MARIE GERMAIN. (*See Germain*,
C. B. 60.)

DORRITY, JAMES B. AND AMANDA, an act to dissolve bonds of mat- rimony between, (H. B. 21.)	
Message of House relative to, ...	91

EDGERTON COUNTY. Petition in relation to boundaries of. (*See Jefferson*
County.)

EDGERTON COUNTY, an act to establish boundaries of, (C. B. 18.)	Page
Read first and second time, ...	33
Referred to Committee on Towns and Counties, ...	33
Report of Committee on, ...	33
Read third time, ...	39
Passed, ...	39
Message of House relative to, ...	59
Reported enrolled, ...	83
Approval of, ...	96
 ELECTION OF COUNTY OFFICERS. (<i>See County Officers, C. B. 56.</i>)	
 ELECTIONS, an act amendatory of an act regulating, (C. B. 20.)	
Read first and second time, ...	37
Referred to Committee on Elections, ...	37
Report of Committee on, ...	40
Read third time, ...	45
Passed, ...	45
Message of House relative to, ...	66
Amendments of House concurred in, ...	68
Reported enrolled, ...	94
Approval of, ...	103
 ELECTION OF DISTRICT OFFICERS, an act in relation to, (C. B. 62.)	
Read first and second time.	192
Referred to Judiciary Committee, ...	192
Report of Committee on, ...	203
Referred to Committee of the Whole, ...	204
Taken from Committee of the Whole, ...	212
Amendments adopted, ...	212
Ordered to third reading, ...	212
Read third time, ...	217
Passed, ...	217
Message of House relative to, ...	229
Reported enrolled, ...	236
 ELECTIONS, an act supplementary to an act regulating holding of, (C. B. 64.)	
Read first and second time, ...	192
Referred to Committee on Elections, ...	192
Majority report of Committee on, ...	198
Minority report of Committee on, ...	198
Read third time, ...	198
Lost, ...	198
Indefinitely postponed, ...	200
 ELECTIONS, an act supplementary to an act regulating holding of, (H. B. 53.)	
Message of House relative to, ...	186

ELECTIONS, an act supplementary, etc.—*Continued.*

	Page
Read first and second time, ...	186
Read third time, ...	186
Lost, ...	186
Vote by which lost reconsidered, ...	194
Again read third time, ...	194
Again lost, ...	194
Vote by which lost reconsidered, ...	200
Bill passed, ...	200

ELWELL, STEPHEN R.

Elected Sergeant at-Arms, ...	9
Took oath, ...	10
Resolution of thanks to, ...	239

ESTRAYS AND LOST GOODS, an act concerning, (C. B. 29)

Read first and second time, ...	73
Referred to Committee on Agriculture, ...	73
Report of Committee on, ...	105
Indefinitely postponed, ...	105

FENCE, LAWFUL, an act declaring what shall constitute, (C. B. 10.)

Read first and second time, ...	28
Read third time, ...	29
Passed, ...	29
Message of House relative to, ...	173
Amendments of House concurred in, ...	175
Reported enrolled, ...	192
Approval of, ...	211

FERRY ACROSS MISSOURI RIVER (See *Missouri River.*)FERRY ACROSS SUN RIVER. (See *Sun River.*)

FINDLAY, ROBERT K, AND ELIZABETH, an act to dissolve bonds of matrimony between, (C. B. 25)

Read first and second time, ...	49
Referred to Judiciary Committee, ...	49
Report of Committee on, ...	57
Read third time, ...	66
Passed, ...	66
Message of House relative to, ...	102

FIRES, an act relating to, and for the protection of timber and grasses, (C. B. 43.)

Read first and second time, ...	116
---------------------------------------	-----

FIRES, an act relating to, etc.—Continued.	Page
Referred to Committee of the Whole, ...	116
Report of Committee of the Whole on, ...	126
Read third time, ...	128
Passed, ...	128
Message of House relative to, ...	140
Reported enrolled, ...	152
Reported handed to Governor, ...	157
Approval of, ...	162
 FLUMES. (See Bridges, H. B. 9.)	
 FOREIGN CORPORATIONS. (See Corporations, C. B. 40.)	
 FRANCISCO, CHARLES. (See Sun River, H. B. 31.)	
 FREEMAN, L. R.	
Nomination of, as notary public of Big Horn county, confirmed,	238
 GALLATIN COUNTY.	
Petition from citizens of, presented, ...	77
 GALLATIN, COUNTY OF, an act to divide, (C. B. 17.)	
Read first and second time, ...	36
Referred to Committee of the Whole, ...	36
Report of said Committee on, ...	41
Read third time, ...	49
Passed, ...	49
Message of House relative to, ...	54
Reported enrolled, ...	61
Approval of, ...	74
 GALLATIN COUNTY, an act authorizing the location of county seat of, (C. B. 37.)	
Read first and second time, ...	97
Referred to Committee on Towns and Counties, ...	97
Report of Committee on, ...	108
Ordered to third reading, ...	108
Read third time, ...	108
Passed, ...	108
Message of House relative to, ...	117
Reported enrolled, ...	124
Approval of, ...	132
 GASSETTE, HENRY. (See Jefferson River, H. B. 55.)	

GAY, JOHN, an act for the relief of, (H B 14)	Page
Messages of House relative to, ...	60, 72
Read first and second time, ...	73
Referred to Judiciary Committee, ...	73
Majority report of Judiciary Committee on, ...	100
Passed to third reading, ...	100
Read third time, ...	100
Passed, ...	100
 GEOLOGICAL SURVEY, an act authorizing G. C Swallow to make, (H. B. 2.)	
Message of House concerning, ...	212
 GERMAIN, G. JULES.	
Petition from, presented, ...	180
Read, and referred to Special Committee, ...	181
Report of Special Committee on, ...	185
 GERMAIN, G. JULES AND MARIE, an act to dissolve bonds of matri- mony between, (C. B. 60.)	
Read first and second time, ...	185
Read third time, ...	185
Passed, ...	185
Message of House relative to, ...	203
 GOLD AND SILVER QUARTZ LODES, an act to amend an act relating to discovery of, (C. B. 5.)	
Read first and second time, ...	23
Referred to Committee on Mines and Minerals, ...	23
Report of Committee on, ...	123
Read third time, ...	126
Passed, ...	126
Message of House relative to, ...	146
Reported enrolled, ...	152
Approval of, ...	162
 GOLD AND SILVER QUARTZ LODES, an act supplementary to an act relating to discovery of, (H. B. 59.)	
Messages of House relative to, ...	212, 232
Read first and second time, ...	233
Indefinitely postponed, ...	233
 GOLD HILL MINING AND TUNNELING COMPANY OF MONTANA, an act to re-enact an act entitled an act to incorporate, (H. B. 37.)	
Message of House relative to, ...	136
Read first and second time, ...	139
Referred to Special Committee, ...	139
Report of Special Committee on, ...	146
Read third time, ...	150
Passed, ...	150

GOVERNOR. Resolution tendering him use of the Council Chamber.	Page
Adopted, ...	24
GOVERNOR. Resolution requesting information from. (<i>See Military Affairs, C. J. R. 2.</i>)	
GOVERNOR, MESSAGES FROM.	
Approving sundry bills, ...	61
Vetoing Council Bill No. 11, ...	67
Approving sundry bills, ...	74
Approving Council Bills Nos. 12, 13 and 8, ...	96
Approving Council Bill No. 20, ...	103
Approving Council Bill No. 19, ...	104
Relative to arsenal, ...	106
Approving Council Bill No. 31, ...	132
Approving Council Bill No. 37, ...	132
Approving Council Bills Nos. 32, 38 and 34, ...	147
Transmitting appointments, ...	154
Approving Council Bill No. 3, ...	158
Approving Council Bill No. 5, ...	162
Approving Council Bill No. 43, ...	162
Approving Council Bill No. 46, ...	162
Approving Council Bill No. 53, ...	177
Making nominations, ...	177
Approving House Joint Memorial No. 5, ...	200
Approving Council Bills Nos. 40, 42, 51 and 52, ...	200, 201
Making nominations, ...	202
Approving Council Bills Nos. 10, 48, 67, 55 and 4, ...	211
Approving Council Bills Nos. 69, 58, 56, 54, 36 and 50, ...	226
Approving Council Bill No. 49, ...	228
Approving Council Bill No. 70, ...	229
Announcing appointments, ...	237
GOVERNOR'S ANNUAL MESSAGE, resolution for printing.	
Adopted, ...	12
GRASSES. (<i>See Fires, C. B. 43.</i>)	
GREENE, A. A.	
Nomination of, as notary public, confirmed, ...	202
GUYOTT, CONSTANT. (<i>See Little Blackfoot River, H. B. 36.</i>)	
HACKER, GEORGE W. AND MARY JANE, an act to dissolve the bonds of matrimony between, (H. B. 48.) (No action in Council.)	
HARRISON, M. B.	
Nomination of, confirmed, ...	155

HEDGES, ROBERT. (*See Virginia City*, H. B. 44)

HELENA AND TEN MILE ROAD. (*See Little Blackfoot River*, H. B. 36.)

HELENA CITY. (*See Territorial Road*, H. B. 45)

HELL GATE RIVER, an act to authorize James M. Baily to construct a toll bridge on, (C. B. 48.)	Page
Read first and second time, ...	148
Ordered to third reading, ...	148
Read third time, ...	149
Passed, ...	149
Messages of House relative to, ...	160, 172
Reported enrolled, ...	193
Approval of, ...	211

HIGHWAYS, an act concerning, and to prevent obstruction of, (C. B. 9.)	
Read first and second time, ...	26
Referred to Committee on Towns and Counties, ...	26
Report of Committee on, ...	34
Read third time, ...	38
Passed, ...	38
Messages of House relative to, ...	47, 60
Amendments of House concurred in, ...	65
Reported enrolled, ...	77
Approval of, ...	95

HOLMES, THOMAS A. (*See Missouri River*, H. B. 32.)

HOSMER, H. L., AND MUNSON, L. E., Resolution requesting them to resign, (H. J. R. 10)	
Message of House relative to, ...	231
Read first and second time, ...	233
Indefinitely postponed, ...	233

HOSMER, H. L. (*See Munson*, C. J. R. 10.)

HOSPITAL, TERRITORIAL, an act for the establishment of, (H. B. 34.)	
Message of House relative to, ...	229
Read first and second time, ...	229
Referred to Committee of the Whole, ...	229
Report of Committee of the Whole on, recommending that bill be indefinitely postponed, ...	234
Report of Committee on, adopted, ...	234

HUNTER, A. J.	
Nominated for probate judge of Meagher county, ...	110
Nomination of, confirmed, ...	110

INDIANS. (*See Intoxicating Liquors*, C. B. 15.)

INDIANS. (*See Blackfeet Indians*, H. J. M. 4.)

INDIAN WAR, memorial to Congress of the United States asking for appropriation to pay expenses of, (H. J. M. 5.)

	Page
Message of House relative to,	195
Read first and second time,	195
Referred to Committee on Federal Relations,	195
Report of Committee on,	199
Read third time,	199
Passed,	199

INTEREST, an act entitled an act to prescribe rate of (C. B. 16.)

Read first and second time,	34
Read third time,	38
Passed,	38
Message of House relative to,	42

INTOXICATING LIQUORS, an act to prohibit sale of, to Indians, (C. B. 15.)

Read first and second time,	33
Referred to Committee on Indian Affairs,	33
Report of Committee on,	36
Read third time,	50
Passed,	50
Message of House relative to,	54
Reported enrolled,	61, 157
Approval of,	74

JEFFERSON COUNTY, petition relative to boundaries of, and of Edgerton county.

Presented,	98
Referred to Committee on Towns and Counties,	99

JEFFERSON COUNTY, an act to define boundary lines of, (C. B. 34)

Read first and second time,	90
Referred to Committee on Towns and Counties,	90
Report of Committee on,	94
Ordered to third reading,	94
Read third time,	101
Passed,	101
Message of House relative to,	127
Reported enrolled,	133
Approval of,	147

JEFFERSON COUNTY, an act to authorize citizens of, to change the	
county seat thereof, (C. B. 55)	Page
Read first and second time, ...	170
Read third time, ...	170
Passed, ...	170
Message of House relative to, ...	171
Reported enrolled, ...	192
Approval of, ...	211

JEFFERSON COUNTY, an act supplementary to an act to define boundary lines of, (H. B. 62)
 (No minute of proceedings on, in Council Journal.)

JEFFERSON RIVER, an act to amend an act to re-enact an act authorizing Henry Gassett to construct ferry or bridge across, (H B. 55.)	
Message of House relative to, ...	202
Read first and second time, ...	204
Read third time, ...	204
Passed, ...	204

JENKINS, D. B.

Elected Enrolling Clerk, ...	9
Took oath of office, ...	10
Resolution of thanks to, ...	239

JOHNSON, PERRY.

Elected Page, ...	9
Resolution of thanks to, ...	239

JUDGMENTS, liens by. (See Attachments, H. B. 54.)

JUDGMENT, an act to provide for, on failure to answer, (C. B. 66.)	
Read first and second time, ...	193
Referred to Committee of the Whole, ...	193
Report of the Committee of the Whole on, recommending that bill be laid on table, ...	216, 220
Report adopted, ...	220

JURORS. (See Officers, H. B. 30.)

JURORS, an act concerning, (C. B. 31.)	
Read first and second time, ...	80
Referred to Committee of the Whole, ...	80
Report of Committee of the Whole on, ...	103
Read third time, ...	112
Passed, ...	112
Message of House relative to, ...	118
Reported enrolled, ...	124
Approval of, ...	132

JURORS, WITNESSES AND OFFICERS, an act providing for payment of, (H. B. 3)

	Page
Message of House relative to, ...	45
Read first and second time, ...	49
Referred to Committee of Ways and Means, ...	49
Report of Committee on, ...	59
Read third time, ...	74
Passed, ...	74
Message of House relative to, ...	82

JUSTICES OF THE PEACE.

Nominations for, ...	155
Confirmation of appointments of, ...	177

KENNEDY, JOHN. (See Missouri River, H. B. 32.)

KIPP, JOSEPH, an act conferring the rights of citizenship upon, (H. B. 12.)

Message of House relative to, ...	65
Read first and second time, ...	68
Referred to Committee on Federal Relations, ...	68
Report of Committee on, ...	72
Indefinitely postponed, ...	108

LANNIER, MARY E. AND AMOS, an act to dissolve bonds of matrimony between, (C. B. 23.)

Read first and second time, ...	41
Referred to Judiciary Committee, ...	41
Report of Committee on, ...	57
Read third time, ...	66
Passed, ...	66

LAWS, resolution in relation to distribution of, (C. J. R. 6.)

Read first and second time, ...	211
Read third time, ...	211
Passed, ...	211
Message of House relative to, ...	218
Amendments of House concurred in, ...	219
Reported enrolled, ...	236
Approval of, ...	240

LAWS OF SECOND AND THIRD SESSIONS.

Resolution in relation to re-enactment of, ...	21
--	----

LEGISLATIVE ASSEMBLY, an act fixing the time of meeting of, (C. B. 7)

Read first and second time, ...	26
Referred to Judiciary Committee, ...	26
Report of Committee on, ...	33

LEGISLATIVE ASSEMBLY, an act, etc. — *Continued.*

	Page
Read third time, ...	34
Passed, ...	34
Message of House relative to, ...	35
Reported enrolled, ...	49
Approval of, ...	61

LEGISLATIVE ASSEMBLY. (*See Districts, C. B. 47.*)

LIBRARY, TERRITORIAL, an act to provide for, (H. B. 26.)

Message of House relative to, ...	102
Read first and second time, ...	171
Referred to Committee of the Whole, ...	171

LICENSES, an act to amend an act entitled an act concerning, (H. B. 25.)

Message of House concerning, ...	171
(First and second reading of, and reference to Committee, omitted in minutes of Council Journal.)	
Report of Committee of the Whole on, ...	183
Read third time, ...	190
Passed, ...	190

LIENS. (*See Mechanics, H. B. 6 and H. B. 24*)

LIMITATIONS, an act concerning, (C. B. 39)

Read first and second time, ...	112
Referred to Committee of the Whole, ...	112
Report of Committee of the Whole on, ...	114
Indefinitely postponed, ...	114

LIMITATIONS, an act to repeal sections 9 and 10 of an act concerning, (C. B. 46)

Read first and second time, ...	132
Referred to Judiciary Committee, ...	132
Report of Committee on, ...	134
Read third time, ...	139
Passed, ...	139
Message of House relative to, ...	146
Amendments of House concurred in, ...	149
Reported enrolled, ...	152, 157
Approval of, ...	162

LITTLE BLACKFOOT RIVER, an act to re-enact an act entitled an act to authorize Constant Guyott to construct a toll road from Helena and Ten Mile Road to, (H. B. 36.)

Message of House relative to, ...	136
Read first and second time, ...	139
Referred to Special Committee, ...	139
Report of Special Committee on, ...	143
Read third time, ...	148
Passed, ...	143

LOUTSENHEIZER, C D. (*See Missouri River, H B. 13*)

	Page
LORD'S DAY, an act for the better observance of, (C. B. 58.)	
Read first and second time, ...	181
Read third time, ...	181
Passed, ...	181
Message of House relative to, ...	182
Reported enrolled, ...	206, 208
Approval of, ...	226

LOST GOODS. (*See Estrays.*)

LOVELL, WM. G.

Administered oath to members of Council, ...	5
Administered oath to officers of Council, ...	10
Communication from, relative to cabinet of minerals, etc., ...	55

LOVELL, WM G., resolution authorizing Auditor to pay him thirty dollars, (C. J. R 5.)

Read first and second time, ...	210
Amended, ...	210
Read third time, ...	210
Lost, ...	210
Vote by which lost reconsidered, ...	216
Passed, ...	217
Message of House relative to, ...	225

LOVELOCK, EDWARD.

Nominated for sheriff of Meagher county, ...	110
Nomination of, confirmed, ...	110

LOVELOCK, EDWARD, EX-SHERIFF OF MEAGHER COUNTY, AND W. K. ROBERTS, SHERIFF OF EDGERTON COUNTY, an act for the relief of, (C. B. 44.)

Read first and second time, ...	119
Laid on table, ...	119
(Reference to Committee is omitted to be mentioned.)	
Report of Committee on, ...	191
Indefinitely postponed, ...	222

LOVELOCK, EDWARD, AND W. K. ROBERTS, an act for relief of, (H. B. 18.)

Messages of House relative to, ...	80, 194
Read first and second time, ...	196
Referred to Committee of Ways and Means, ...	196
Report of Committee on, ...	199
Read third time, ...	207
Passed, ...	207

MACHINERY. (*See Wares*, H. B. 5.)

MADISON BRIDGE COMPANY, an act to re-enact an act to incorporate,
(H. B. 56.)

	Page
Message of House relative to, ...	202
Read first and second time, ...	205
Read third time, ...	205
Passed, ...	205

MADISON COUNTY, an act authorizing county commissioners of, to levy
special tax for county buildings, (H. B. 57.)

Message of House relative to, ...	201
Read first and second time, ...	205
Referred to Special Committee, ...	205
Report of Committee on, ...	208
Ordered to third reading, ...	208
Read third time, ...	213
Passed, ...	213

MADISON RIVER, an act to re-enact an act authorizing Samuel Weir
et al., to construct ferry or bridge across, (H. B. 52.)

Message of House relative to, ...	182
Read first and second time, ...	186
Referred to Committee on Incorporations, ...	186
Read third time, ...	196
Passed, ...	196

MAGAZINE. (*See Arsenal*, H. J. R. 1.)

MARKS INSTEAD OF SIGNATURES, an act to provide for, (H. B. 10.)

Message of House relative to, ...	50
Read first and second time, ...	54
Referred to Judiciary Committee, ...	54
Report of Committee on, ...	59
Read third time, ...	59
Passed, ...	59

MASTERS IN CHANCERY, an act creating, and defining duties of,
(C. B. 22.)

Read first and second time, ...	41
Referred to Judiciary Committee, ...	41
Report of Committee on, ...	57
Indefinitely postponed, ...	109

McBROOM, EDWARD AND MARGARET, an act to dissolve bonds of
matrimony between, (H. B. 23.)

Message of House relative to, ...	102
---	-----

McCLINTOCK, J. F.	Page
Nominated for assessor of Meagher county, ...	110
Nomination of, confirmed, ...	110
McLEAN, J. J.	
Nomination of, as notary public of Meagher county, confirmed, ...	238
McMATH, WM. L.	
Nomination of, as notary public of Madison county, confirmed, ...	177
McMURTRY, LOUIS.	
Nomination of, for notary public, confirmed, ...	155
MEAGHER COUNTY.	
Petition from citizens of, presented, ...	31
Nomination of officers for, ...	110
MEASURES. (See <i>Weights</i>, C. B. 32.)	
MECHANICS AND OTHERS, an act to amend an act securing liens to, (H. B. 6.) (No minutes of proceedings on, in Council Journal.)	
MECHANICS AND OTHERS, an act amendatory of an act securing liens to, (H. B. 24.)	
Messages of House relative to, ...	102, 123
Read first and second time, ...	124
Referred to Committee on Agriculture, ...	124
Report of Committee on, ...	153
Read third time, ...	156
Passed, ...	156
MEMBERS OF COUNCIL.	
List of, ...	4
MEMBERS OF HOUSE.	
List of, ...	4
MEMORIAL. House Resolution for appointment of Committee to draft. Indefinitely postponed, ...	149
MEMORIAL TO CONGRESS. Council Joint, No. 1, for appointment of Convention to adopt a State Constitution for Montana Territory. (See <i>Constitution</i> .)	
MEMORIAL TO CONGRESS. Council Joint, No. 2, asking establishment of post offices and post roads. (See <i>Post Offices</i> .)	

MEMORIAL TO CONGRESS. House Joint, No. 4, relative to treaty with Blackfeet Indians. (*See Blackfeet Indians.*)

MEMORIAL TO CONGRESS. House Joint, No. 5, asking for appropriation to pay expenses of Indian war. (*See Indian War.*)

MEMORIAL TO CONGRESS. House Joint, No. 6, asking for establishment of branch mint. (*See Mint.*)

MENAUGH, C. C.	Page
Nominated and elected Assistant Clerk, ...	9
Took oath of office, ...	10
Nomination of, as notary public, confirmed, ...	177
Resolution of thanks to, ...	239

MERCHANDISE (*See Wares, H. B. 5.*)

MESSAGES FROM GOVERNOR. (*See Governor.*)

MESSAGES FROM HOUSE, 11, 21, 27, 31, 35, 36, 38, 42, 45, 47, 50, 53, 59, 62, 65, 72, 80, 81, 82, 91, 97, 102, 104, 106, 113, 117, 123, 127, 135, 136, 139, 146, 148, 160, 161, 162, 166, 169, 171, 180, 182, 186, 193, 195, 201, 203, 205, 207, 212, 213, 217, 218, 225, 226, 229, 230, 231, 232, 234, 235, 238, 240.

MILITARY AFFAIRS, resolution requiring information from Governor relative to, (C. J. R. 2.)

Read first and second time, ...	90
Referred to Committee on Federal Relations, ...	90
Report of Committee on, ...	91

MILLS. (*See Bridges, H. B. 9.*)

MILITIA, an act to provide for organizing and disciplining, (H. B. 27.)
(No proceedings on, appear in minutes of Council Journal)

MINES, PLACER, an act relating to discovery and possessory right of, (H. B. 29.)

Messages of House relative to, ...	117, 182
Read first and second time, ...	189
Referred to Committee on Mines and Minerals, ...	189
Report of Committee on, ...	192
Read third time, ...	196
Passed, ...	196

MINERALS, Etc., cabinet of.

Communication relative to, ...	55
--------------------------------------	----

MINING DISTRICTS , petition for passage of act relative to. Presented, ...	Page 186
MINING DISTRICTS , an act to authorize and encourage the development of, by the location and working of tunnels, (C. B. 61.) Read first and second time, ... Referred to Committee on Mines and Minerals, ...	186 186
MINT, BRANCH , memorial to Congress asking for the establishment of, (H. J. M. 6.) Message of House relative to, ... Read first and second time, ... Read third time, ... Passed, ...	201 204 204 204
MISSOULA COUNTY , an act to locate county seat of, (C. B. 1.) Read first time, ... Referred to Committee on Towns and Counties, ... Report of Committee on, ... Read third time, ... Passed, ... Message of House relative to, ... Reported enrolled, ... Approval of, ...	20 20 22 27 27 31 49 61
MISSOULA COUNTY , an act to define boundary lines of, (C. B. 12.) Read first and second time, ... Referred to Committee on Towns and Counties, ... Committee report amendments to, ... Report adopted, ... Read third time, ... Passed, ... Message of House relative to, ... Reported enrolled, ... Approval of, ...	29 29 32 32 44 44 60 83 96
MISSOULA COUNTY , an act authorizing county commissioners of, to raise special tax, (C. B. 38.) Read first and second time, ... Referred to Committee on Towns and Counties, ... Report of Committee on, ... Read third time, ... Passed, ... Message of House relative to, ... Reported enrolled, ... Approval of, ...	100 100 104 104 104 127 132 147

MISSOURI RIVER, an act to re-enact an act authorizing Ray W. Andrews
to establish a ferry across, (C. B. 71.)

	Page
Read first and second time, ...	219
Read third time, ...	219
Passed, ...	219
Message of House relative to, ...	226

MISSOURI RIVER, an act to re-enact an act to authorize certain parties
to establish a ferry across, at mouth of Trout creek, (H. B. 13.)

Messages of House relative to, ...	60, 66
Read first and second time, ...	68
Referred to Committee of the Whole, ...	68
Report of Committee of the Whole on, ...	93
Read third time, ...	101
Passed, ...	101

MISSOURI RIVER, an act to re-enact an act to authorize Robert Tingley,
John Kennedy, *et al.*, to construct a wagon road around falls of,
(H. B. 22.)

Messages of House relative to, ...	91, 118
Read first time, ...	121
Read second time, ...	122
Referred to Committee on Incorporations, ...	122
Minority report of Committee on, ...	125
Majority report of Committee on, ...	125
Majority report laid on table, ...	126
Read third time, ...	128
Passed, ...	128

MISSOURI RIVER, an act to re-enact an act to authorize Thomas A.
Holmes and Luther M. Brown to establish a ferry across, (H. B.
32.)

Messages of House relative to, ...	127, 136
Read first and second time, ...	136
Referred to Committee on Incorporations, ...	136
Report of said Committee on, ...	141
Read third time, ...	142
Passed, ...	142

MONTANA POST.

Resolution of thanks to proprietor of, ...	239
--	-----

MINNUS, R. W.

Nomination of, as notary public of Edgerton county, confirmed, ...	238
--	-----

MUNSON, L. E. (*See Hosmer, H. J. R. 10.*)

MUNSON, L. E., AND HOSMER, H. L., Judges, resolution requesting them to resign, (C. J. R. 10.)		Page
Read first and second time,		236
Laid on table,		236
Taken from table,		237
Read third time,		237
Passed,		237
NEVADA CITY, an act to amend an act to incorporate, (C. B. 42.)		
Read first and second time,		116
Referred to Committee on Incorporations,		116
Minority report of Committee on,		132
Referred to Committee of the Whole,		132
Report of Committee on,		133
Read third time,		133
Passed,		133
Message of House relative to,		135
Report of Enrolling Committee on,		179
Approval of,		200
NEWSPAPERS.		
Resolution requesting secretary to furnish,		26
NOTARIES PUBLIC, an act supplementary to an act in relation to.		
Message of House relative to,		42
Read first and second time,		49
Referred to Judiciary Committee,		49
Committee report amendments to,		58
Read third time,		73
Passed,		73
NOTARIES PUBLIC, an act supplementary to an act relative to, (H. B. 40.)		
Message of House relative to,		202
Read first and second time,		205
Referred to Judiciary Committee,		205
Report of Committee on,		210
Indefinitely postponed,		210
NOTARIES PUBLIC.		
Nominations of sundry persons for,		155
Confirmation of sundry appointments of,		177, 238
OATH OF OFFICE. (See Officers, H. B. 41.)		
OFFICERS, COUNTY. (See County Officers, C. B. 56.)		
OFFICERS. (See Jurors, H. B. 3)		

**OFFICERS, an act creating certain, and relating to resignations,
(H. B. 1.)**

	Page
Message of House relative to, ...	37
Read first and second time, ...	37
Referred to Committee of the Whole, ...	37
Report of Committee on, ...	44
Read third time, ...	50
Passed, ...	50

**OFFICERS, JURORS AND WITNESSES, an act regulating fees of,
(H. B. 30.)**

Messages of House relative to, ...	117, 193
Read first and second time, ...	196
Referred to Committee of the Whole, ...	196
Report of Committee of the Whole on, ...	218
Taken from table, ...	224
Substitute for, adopted, ...	224
Amendments to substitute for, adopted, ...	225
Read third time, ...	225
Passed, ...	225
Title amended, ...	225
Message of House relative to, ...	231
Council refuse to recede from amendments, ...	232
Appointment of Conference Committee on, ...	235
Report of Committee on, ...	237

**OFFICERS OF THE TERRITORY, an act to amend an act entitled an act
to provide extra compensation to, (H. B. 39.)**

Message of House relative to, ...	160
Read first and second time, ...	160
Read third time, ...	161
Passed, ...	161

**OFFICERS, TERRITORIAL, COUNTY AND PRECINCT, an act prescribing
oath of office of, (H. B. 41.)**

Message of House relative to, ...	162
Read first and second time, ...	163
Amended, ...	163
Read third time, ...	170
Passed, ...	170

**OFFICERS OF TERRITORY, an act to amend an act to provide increased
compensation to, (H. B. 63.)**

Message of House relative to, ...	234
---	-----

**OFFICERS, an act to amend an act to provide increased compensation to,
(C. B. 30.)**

Read first and second time, ...	80
---------------------------------------	----

OFFICERS, an act to amend an act, etc.— <i>Continued.</i>	Page
Referred to Judiciary Committee,	80
Report of Judiciary Committee on,	135
Considered by Committee of the Whole,	150
Taken from said Committee,	158
Indefinitely postponed,	161
 ORR, SAMPLE.	
Nomination of, as notary public, confirmed,	202
 ORR, SAMPLE. Member of Council.	
Took oath of office,	6
Motions by, 6, 9, 11, 16, 27, 33, 36, 39, 42, 47, 48, 54, 71, 75, 87, 88, 92, 100, 115, 120, 126, 128, 134, 137, 140, 143, 148, 150, 156, 158, 179, 181, 198, 199, 220, 223, 233.	
Offered resolution,	20
Appointment of, on Committees, 10, 19, 21, 142, 205, 235, 238	
Submitted reports, 41, 43, 44, 46, 55, 69, 90, 95, 99, 112, 124, 125, 136, 141, 152, 153, 236.	
Gave notice of bills, 20, 22, 25, 55, 90, 102	
Introduced bills, 28, 33, 36, 80, 97, 118, 127, 185, 192	
 ORTHOGRAPHY (H. J. R. 3), authorizing Secretary to correct.	
Read first and second time,	162
Referred to Committee on Education,	162
Indefinitely postponed,	163
 ORTHOGRAPHY (C. J. R. 7), authorizing Secretary to make corrections in.	
Read first and second time,	222
Read third time,	222
Passed,	222
Message of House relative to,	226
Reported enrolled,	236
Approval of,	240
 OWEN, JOHN.	
Confirmation of, as notary public,	177
 PEABODY, BENJAMIN S.	
Nomination of, for notary public, confirmed,	155
 PENITENTIARY OF TERRITORY, an act locating, (C. B. 24.)	
Read first and second time,	48
Second reading objected to,	48
Read second time,	49
Referred to Committee on Federal Relations,	49

PENITENTIARY OF TERRITORY, an act locating, etc.— <i>Continued.</i>		Page
Majority report of Committee on,	.	51
Read third time,	.	54
Passed,	.	54
Message of House relative to,	.	59
Reported enrolled,	.	75
Approval of,	.	95
PETITION, praying for passage of act in relation to mining districts. (<i>See Mining Districts</i>)		
PETITION, from citizens of Gallatin county.		
Presentation of,	.	77
PETITION, from citizens of Jefferson county, relating to boundaries of that and Edgerton county.		
Presentation of,	.	98
PINNEY, WM. E. (<i>See Cave City, C. B. 70</i>)		
PLACER MINES. (<i>See Mines, H. B. 29.</i>)		
POST OFFICES AND POST ROUTES, memorial asking establishment of, (C. J. M. 2.)		
Read first and second time,	.	185
Referred to Committee on Federal Relations,	.	185
Report of Committee on,	.	189
Read third time,	.	189
Passed,	.	189
Message of House relative to,	.	202
POST ROUTES. (<i>See Post Offices, C. J. M. 2.</i>)		
POSSESSORY RIGHTS OF PLACER MINES. (<i>See Mines, H. B. 29</i>)		
PRECINCT OFFICERS. (<i>See Officers, H. B. 41.</i>)		
PRISONERS, TERRITORIAL, an act to provide for care and support of, (C. B. 54.)		
Read first and second time,	.	166
Referred to Committee of the Whole,	.	166
Report of Committee of the Whole on,	.	168
Read third time,	.	168
Passed,	.	168
Message of House relative to,	.	173
Reported enrolled,	.	209
Approval of,	.	226

PROBATE JUDGE OF MEAGHER COUNTY. (*See Hunter, A. J.*)

PROBATE COURTS, an act regulating proceedings in, and defining jurisdiction of, (C. B. 27.)

	Page
Read first and second time, ...	53
Referred to Judiciary Committee, ...	53
Said Committee report amendments to, ...	107
Referred to Committee of the Whole, ...	107
Report of Committee on, ...	129
Report adopted, ...	131
Ordered to third reading, ...	131
Read third time, ...	150
Passed, ...	150
Message of House relative to, ...	207
House amendments concurred in, ...	211
Reported enrolled, ...	236

PUNISHMENTS. (*See Crimes, H. B. 28.*)

QUARTZ LODES. (*See Gold, H. B. 59*)

RAMSPECK, HENRY.

Nominated for commissioner of Meagher county, ...	110
Nomination of, confirmed, ...	110

RAND, JASPER. Member of House.

Took oath of office, ...	6
Motions by, 9, 10, 12, 14, 21, 23, 24, 26, 29, 30, 33, 34, 35, 36, 43, 44, 45, 47, 51, 52, 53, 56, 63, 67, 72, 73, 74, 82, 83, 88, 89, 94, 96, 102, 103, 104, 105, 109, 110, 111, 115, 116, 117, 120, 122, 123, 128, 131, 137, 138, 139, 140, 143, 144, 147, 148, 152, 154, 155, 157, 161, 163, 167, 170, 171, 185, 188, 190, 194, 199, 200, 202, 208, 209, 210, 216, 218, 227, 228, 232, 236, 239, 240.	
Offered resolutions, ...	11, 15, 16, 18, 19, 21, 26, 120, 239
Appointment of, on Committees, ...	9, 19, 20, 21, 34, 183, 235
Submitted reports, 21, 32, 33, 35, 36, 40, 44, 48, 57, 58, 77, 99, 107, 108, 125, 134, 135, 141, 142, 144, 168, 183, 198, 203, 235.	
Gave notice of bills, 15, 17, 19, 25, 32, 34, 36, 40, 48, 55, 66, 72, 73, 90, 97, 136, 162.	
Introduced bills, 20, 23, 25, 26, 29, 37, 41, 48, 53, 80, 81, 90, 94, 100, 112, 142, 166, 174, 181, 192, 194, 210, 211, 235.	

RECORDER OF MEAGHER COUNTY. (*See Richardson, W. T.*)

REINHARDT, JAMES P.

Confirmed as notary public, ...	177
---------------------------------------	-----

RELIGIOUS, CHARITABLE AND BENEVOLENT INSTITUTIONS, an-

act to invest with corporate powers, (C. B. 14.)	Page
Read first and second time,	33
Report of Committee on Education on,	48
Read third time,	65
Lost,	65
Vote by which lost reconsidered,	73
Read third time,	109
Lost,	109

REPRESENTATIVE DISTRICTS. (*See Districts, C. B. 47*)RESOLUTIONS, COUNCIL. (*See subjects of each resolution.*)

Requesting House to meet Council in joint convention,	11
Appointing Committee to wait on Governor,	12
For printing Governor's message,	12
Requesting Secretary to award printing,	14
In relation to sawdust,	15
Extending freedom of House to certain persons,	15
Concurrent, for appointment of extra clerks,	16
In relation to rules,	16
Directing that this be called the fourth session,	17
For printing list of Standing Committees,	19
In relation to California Practice Act,	20
In relation to re-enactment of laws,	21
In relation to duty of clerks,	22
Tendering use of Council Chamber to Governor,	24
Requesting Secretary to furnish newspapers,	26
In relation to printing daily proceedings,	26
For joint convention,	82
Relative to order of electing certain officers,	84
Joint No. 2, requiring information from Governor in relation to military affairs,	90
In relation to arsenal,	114
Joint No. 3, appropriating money to pay for arsenal lot,	120
Joint No. 4, asking for an extra session,	170
Joint No. 5, appropriating \$50 to Wm. Y. Lovell,	210
Joint No. 6, in relation to distribution of laws,	218
Joint No. 7, authorizing Secretary to make corrections in orthography,	222
To adjourn <i>sine die</i> ,	226
Joint No. 8, resolution providing compensation to J. J. Roe & Co.,	228
Joint No. 9, appropriating extra compensation to Second Assistant Clerks,	235
Joint No. 10, Munson, L. E., and H. L. Hosmer, resolution asking them to resign,	235
Tendering thanks to sundry officers and Clerks of Council,	239
Of thanks to C. S. Bagg, President of Council,	240

RESOLUTIONS, HOUSE. (<i>See subject of each Resolution.</i>)	Page
In relation to the re-enactment of laws, ...	21
Joint, No. 1, authorizing Auditor to pay for arsenal and magazine, ...	59
Requesting Council to meet House in joint convention to elect officers, ...	81
For appointment of Committee to draft memorial, ...	148
Joint, No. 2, to provide compensation to J. J. Roe & Co., ...	149
Joint, No. 3, authorizing Secretary to correct orthography, ...	162
For appointment of Committee to settle with Auditor and Treasurer, ...	169
Joint, No. 7, to amend Joint Rule No. 8, ...	212
Joint, No. 8, appropriating fifteen dollars to pay Wm. Deasey, ...	218
Joint, No. 9, authorizing Auditor to draw warrants, ...	230
Joint, No. 10, requesting Hon. H. L. Hosmer and L. E. Munson to resign as judges, etc., ...	230
 RESERVOIRS. (<i>See Bridges, H. B. 9.</i>)	
 REVENUE, an act providing for collection of, (H. B. 46.)	
Message of House relative to, ...	172
Read first and second time, ...	229
Referred to Committee of the Whole, ...	229
Message of House relative to, ...	229
 RICHARDSON, W. T.	
Nomination for clerk and recorder of Meagher county, ...	110
Nomination of, confirmed, ...	110
 ROADS, an act supplementary to an act for the protection of, (H. B. 38.)	
Message of House relative to, ...	146
Read first and second time, ...	149
Referred to Committee on Internal Improvements, ...	149
Report of Committee on, ...	152
Read third time, ...	156
Passed, ...	156
 ROBINSON, C. B.	
Nominated Assistant Clerk, ...	29
Elected, ...	30
Resolution of thanks to, ...	239
 ROBERTS, W. K. (<i>See Lovelock, H. B. 18 and C. B. 44.</i>)	
 RODGERS, MR.	
Nominated for Auditor, ...	84
Elected, ...	84

RODGERS, JOHN H., an act authorizing Auditor to issue warrant to, (C. B. 67.)	Page
Read first and second time, ...	193
Read third time, ...	193
Passed, ...	193
Message of House relative to, ...	201
Reported enrolled, ...	206, 209
Approval of, ...	211

ROE, J. J. & CO., House Joint Resolution No. 2, to provide compensation to.	
Message of House relative to, ...	146
Read first and second time, ...	149
Referred to Committee of Ways and Means, ...	149
Report of Committee on, ...	153
Referred to Committee of the Whole, ...	154
Report of Committee on, ...	164
Read third time, ...	165
Passed, ...	165

ROE, J. J. & CO., Council Joint Resolution No. 8, to provide compensation to.	
Read first and second time, ...	228
Read third time, ...	228
Passed, ...	228
Message of House relative to, ...	235
Reported enrolled, ...	236
Approval of, ...	240

RULES.

Appointment of Committee on, ...	14
Report of Committee, ...	14
Resolution in relation to, passed, ...	18
Of last session adopted, ...	48

RULE. House Joint Resolution No. 7 to amend Joint Rule No. 8.

Message of House relative to, ...	212
Read first and second time, ...	213
Read third time, ...	213
Passed, ...	213

*** SCHOOL SYSTEM, COMMON, an act to amend an act to establish
(C. B. 45)**

Read first and second time, ...	123
Referred to Committee on Education, ...	123
Report of Committee on, ...	143
Considered by Committee of the Whole, ...	143
Report of Committee on, ...	147

SCHOOL SYSTEM, COMMON, an act to amend, etc. — <i>Continued.</i>	Page
Amended, ...	148
Read third time, ...	154
Passed, ...	154
Message of House relative to, ...	180
House amendments to, not concurred in, ...	181
Bill ordered returned to House, ...	181
Message of House requesting Conference Committee on, ...	182
Report of Committee on, ...	195
Amendments of House concurred in, ...	195
Report of Enrollment Committee on, ...	202
Approval of, ...	240
 SCHOOLS, COMMON, an act to provide system of, for Territory, (C. B. 28.)	
Read first and second time, ...	56
Ordered printed, ...	56
Referred to Committee on Education, ...	56
Report of Committee on, ...	122
Indefinitely postponed, ...	123
 SEAT OF GOVERNMENT, an act to amend an act locating, (H. B. 7.)	
Read first and second time, ...	62
Read third time, ...	66
Passed, ...	66
Message of House relative to, ...	97
Action on, ...	100
Further action on, ...	137, 140
Lost, ...	159
 SEAT OF GOVERNMENT OF MONTANA TERRITORY, an act to amend an act to locate, (H. B. 43.)	
Message of House relative to, ...	160
Read first and second time, ...	167
Read third time, ...	167
Passed, ...	167
 SECRETARY OF TERRITORY. (See James Tufts.)	
 SESSION. Council Joint Resolution No. 4, asking for extra.	
Read first and second time, ...	170*
Read third time, ...	170
Passed, ...	170
Message of House relative to, ...	173
Reported enrolled, ...	178
 SHERIFF OF MEAGHER COUNTY. (See Lovelock, Edw.)	

INDEX.

295

SHOWERS, H. H.	Page
Elected Engrossing Clerk, ...	9
Took oath of office, ...	10
Resolution of thanks to, ...	239
SIGNATURES. (<i>See Marks, H. B. 10.</i>)	
SILVER QUARTZ LODES. (<i>See Gold, H. B. 59.</i>)	
SIMMS, J. A.	
Confirmation of, as notary public of Missoula county, ...	238
SINCLAIR, JAMES. (<i>See Jefferson River, H. B. 55.</i>)	
STAFFORD, J. V. (<i>See Cave City, C. B. 70.</i>)	
STERLING, TOLL ROAD TO. (<i>See Virginia City, H. B. 44.</i>)	
STUBBS, O. C. (<i>See Missouri River, H. B. 13.</i>)	
SUPERINTENDENT OF PUBLIC INSTRUCTION.	
Election of, ...	87
SWALLOW, PROF. G. C. (<i>See Geological Survey, H. B. 2.</i>)	
TAX, SPECIAL, IN MADISON COUNTY. (<i>See Madison County, H. B. 57.</i>)	
TEN MILE AND HELENA ROAD. (<i>See Little Blackfoot River, H. B. 36.</i>)	
TERRITORIAL OFFICERS. (<i>See Officers, H. B. 41.</i>)	
TERRITORIAL LIBRARY. (<i>See Library, H. B. 26.</i>)	
TERRITORIAL ROAD FROM BOZEMAN CITY TO HELENA, an act to provide for laying out of, (H. B. 45.)	
Message of House relative to, ...	207
Read first and second time, ...	212
Referred to Committee of the Whole, ...	212
Report of Committee on, ...	215
Reported engrossed, ...	220
Read third time, ...	222
Passed, ...	222
Message of House relative to, ...	231
THOMPSON, JOHN.	
Elected Doorkeeper, ...	9
Resolution of thanks to, ...	239

TILTON, D. W., & CO.	Page
Communication from Secretary in relation to, awarding printing to,	23
TIMBER, PROTECTION OF. (<i>See Fires</i> , C. B. 43.)	
TINGLEY, ROBT. (<i>See Missouri River</i> , H. B. 22.)	
TOLL ROAD FROM VIRGINIA CITY. (<i>See Virginia City</i> , H. B. 44.)	
TOLL ROAD. (<i>See Little Blackfoot River</i> , H. B. 36.)	
TOWN SITES, an act in relation to pre-emption of, upon public lands, (C. B. 49.)	
Read first and second time,	153
Referred to Committee of the Whole,	153
Report of Committee on,	164
Read third time,	178
Passed,	178
Message of House relative to,	201
Reported enrolled,	215
Approval of,	228
TREASURER, TERRITORIAL.	
Resolution for appointment of Committee to settle with,	169
TREASURER, TERRITORIAL.	
Election of,	86
TREASURER, TERRITORIAL. (<i>See Auditor</i> .)	
TREASURERS, COUNTY, an act defining duties of, (C. B. 6.)	
Read first and second time,	25
Referred to Judiciary Committee,	25
Report of Committee on,	35
Amended,	35
Referred to Committee of the Whole,	36
Report of the Committee of the Whole on,	43
Amended,	43, 44
Passed to third reading,	44
Read third time,	52
Passed,	52
Message of House relative to,	60
Reported enrolled,	77
Approval of,	95
TREASURERS, COUNTY, an act supplementary to an act in relation to, (C. B. 33.)	
Read first and second time,	81

INDEX.

297

TREASURERS, COUNTY, an act, etc.— <i>Continued.</i>		Page
Referred to Committee of the Whole,	.	81
Report of Committee of the Whole on,	.	103
Read third time,	.	110
Passed,	.	110
TROUT CREEK. (<i>See Missouri River</i> , H. B. 13.)		
TUFTS, JAMES, Secretary of Territory.		
Communication from, in relation to awarding printing,	.	23
Communication from, relating to newspapers,	.	42
Resolution of thanks to,	.	239
TUFTS, JAMES, Secretary of Territory, an act to provide increased compensation to, (H. B. 61)		
Message of House relative to,	.	226
Read first and second time,	.	227
Amended,	.	227
Read third time,	.	227
Passed,	.	227
Title amended,	.	228
Message of House relative to,	.	231
Council refuse to recede from amendments to,	.	232
Message of House relative to,	.	234
Appointment of Conference Committee on,	.	235
Report of Committee on,	.	235
VAN HAGAN.		
Confirmation of, as justice of peace of Deer Lodge county,	.	177
VENUE, an act in relation to criminal changes of, (C. B. 68.)		
Read first and second time,	.	194
Referred to Committee of the Whole,	.	194
Report of Committee of the Whole on,	.	216
Read third time,	.	217
Passed,	.	217
VIRGINIA CITY, an act to amend an act to incorporate, (H. B. 11.)		
Messages of House relative to,	.	53, 205
Reports of Committee of the Whole on,	.	215, 221
Report of Committee on Engrossment on,	.	221
Read third time,	.	222
Passed,	.	222
Message of House relative to,	.	229
VIRGINIA CITY, an act to re-enact an act to authorize Samuel Bressler, Robert Hedge, etc., to construct a toll road from, to Sterling, (H. B. 44)		
Message of House relative to,	.	172
Read first and second time,	.	177
Referred to Special Committee,	.	177

VIRGINIA CITY, an act, etc. — Continued.

Action on, ...	Page 197
Read third time, ...	207
Passed, ...	207

WADE, THOMAS B.

Nominated Chief Clerk, ...	8
Elected, ...	8
Took oath of office, ...	10
Resolution of thanks to, ...	239

WAGON ROAD COMPANY. (See Beaver Head, H. B. 16; Black Tail Deer, H. B. 33.)**WARES, MERCHANDISE AND MACHINERY, an act allowing commission merchants to sell, for storage, (H. B. 5.)**

Messages of House relative to, ...	38, 59
Read first and second time, ...	64
Referred to Committee of the Whole, ...	64
Report of Committee on, ...	89
Ordered to third reading, ...	90
Read third time, ...	94
Passed, ...	94

WARRANTS. (See Auditor.)**WARRANTS, authorizing Auditor to draw, (H. J. R. 9.)**

Message of House relative to, ...	230
Read first and second time, ...	232
Amended, ...	232
Read third time, ...	236
Passed, ...	236
Message of House relative to, ...	240

WATERBURY, E. B.

Confirmation of as notary public of Deer Lodge county, ...	238
--	-----

WATSON, THOMAS. Member of Council.

Took oath of office, ...	6
Motions by, 9, 10, 12, 18, 28, 48, 68, 71, 93, 105, 114, 129, 133, 153, 156, 163, 168, 169, 174, 176, 189, 191, 204, 210, 212, 224, 234.	14
Offered resolution, ...	14
Appointment of, on Committees, 10, 12, 19, 139, 142, 181, 235, 238	15, 22, 36
Submitted reports, 22, 59, 71, 89, 105, 110, 123, 147, 153, 163, 164, 165, 167, 191, 199, 215, 216, 218, 220, 221, 227.	23, 26, 28, 34, 41, 169, 186, 192, 194, 206
Gave notice of bills, ...	15, 22, 36
Introduced bills, ...	23, 26, 28, 34, 41, 169, 186, 192, 194, 206

WEIR, SAMUEL. (See Madison River, H. B. 52.)

INDEX.

299

WEIGHTS AND MEASURES, an act regulating, (C. B. 32.)	Page
Read first and second time, ...	81
Referred to Committee of the Whole, ...	81
Read third time, ...	105
Passed, ...	105
Reported enrolled, ...	138
Approval of, ...	147

WHALEY, HENRY. (*See Cave City, C. B. 70.*)

WILSON, SMITH.

Confirmation of as constable, ...	177
---	-----

WILKINSON, E S., AND P. RONAN, an act to provide compensation to, (C. B. 72.)

Read first and second time, ...	228
Read third time, ...	228
Passed, ...	228
Message of House relative to, ...	231
Reported enrolled, ...	236
Approval of, ...	240

WILLISTON, L. P., an act to provide increased compensation to, (C. B. 63.)

Read first and second time, ...	192
Referred to Committee of Ways and Means, ...	192
Report of Committee on, ...	199
Message of House relative to, ...	201
Read third time, ...	201
Passed, ...	201

WITNESSES. (*See Jurors, H. B. 3 ; Officers, H. B. 30.*)

WOODSON, FRANK H.

Nominated for treasurer of Meagher county, ...	110
Nomination of, confirmed, ...	110

WOODY FRANK H.

Confirmed as notary public, ...	177
---------------------------------------	-----